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A
HISTORY
OF THE
BRITISH EMPIRE,

FROM THE ACCESSION OF
CHARLES I. TO THE RESTORATION;
WITH AN INTRODUCTION,
TRACING THE PROGRESS OF SOCIETY, AND OF THE CONSTITUTION, FROM
THE FEUDAL TIMES TO THE OPENING OF THE HISTORY;
AND INCLUDING A
PARTICULAR EXAMINATION OF MR. HUME'S STATEMENTS
RELATIVE TO THE
CHARACTER OF THE ENGLISH GOVERNMENT.

BY GEORGE BRODIE, ESQ.

ADVOCATE.

IN FOUR VOLUMES.

VOL. II.

EDINBURGH:

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1822.

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HISTORY

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CHAP. I.

FROM THE ACCESSION OF CHARLES I. TILL THE DISSOLUTION OF HIS FIRST PARLIAMENT.

Containing a rapid sketch of some leading transactions at the close of the preceding reign—as the Bohemian War, with the ruin of the Elector Palatine and his family—the projected Spanish Match, and rupture of the treaties, &c. with the character of Buckingham—Death of James, and Accession of Charles—Religion—Marriage with Henrietta of France—the proceedings of his first Parliament—the Adjournment—Loan of Ships to France, to be used against the Protestants of Rochelle—reassembling of Parliament, with the rupture and dissolution.

THE particular state of affairs at the commencement of this reign cannot be understood without a rapid view of some leading transactions at the close of the last.

Elizabeth, the only daughter of James, had, in the year 1612, married Frederic, Elector Palatine; and as the marriage promised a league with the German protestants, it was extremely grateful to

the people; but it proved unfortunate. His alliance with the British king induced the protestant states of Bohemia, in the midst of their distress, to tender him their crown, hoping that with so potent an ally he might be able to rescue them from ruin, and support their privileges: partly, however, through his own indiscretion and meanness, partly through the pusillanimity and folly of the British king, together with other circumstances, Frederic's aspiring hopes were not only disappointed, but himself driven from his hereditary dominions.

Origin of
war in
Bohemia.

The Hussites, whose distinctive name was, after the diffusion of Lutheran principles, sunk in the more general one of Protestants, had long enjoyed considerable privileges in Bohemia, particularly in Prague, the native city of their founder. But these had been gradually invaded, and, in the year 1618, a measure was taken by the Emperor Matthias, which threatened equally the rights of the Protestants and the independence of the kingdom. Matthias had, in his old age, been persuaded to adopt, as his son and successor, his cousin Ferdinand Duke of Gratz, a younger branch of the House of Austria, with the view of raising him to the Imperial and Bohemian, as well as to the Hungarian throne; that the different branches of the House of Austria might be bound in strict alliance, and the Catholic party be supported in political ascendancy. In the prosecution of this object, the Emperor, for form's sake, resigned the crown of Bohemia, which was elective, and by a partial call of the States, in which

catholics were chiefly comprehended, and over whom the undue influence of the Emperor prevailed more than their wishes,—procured the election of his adopted son, under the condition of his abstaining from the exercise of royalty during the life of Matthias—a condition to which Ferdinand is alleged not to have adhered. The proceeding depressed the protestants in the same proportion that it elated the Romish party of the empire, to whom Ferdinand was now equally attached by interest and religion; and, as a catholic council, who governed Bohemia, treated the Protestants with insolence and injustice, it became necessary for them to concert measures for the vindication of their rights. For this purpose a general assembly of the States was called by the officers appointed to enforce the execution of edicts: But, as no business of importance was agitated at their first meeting, the Emperor, by way of crushing disaffection in its infancy, issued orders to prevent their reassembling. The spirit, however, which animated the Evangelists, so the protestants were likewise called, was too strong to be repressed: They met in spite of every attempt to prevent them, entered the castle of Prague, armed, and propounded their grievances to the council. But, unfortunately, they did not rest here; for, enraged by opposition, they threw Sclabata the chief Justice, Smesansius one of the council, and Fabritius the secretary, from a high window into the ditch below, (from which, however, owing to the water in the ditch, they sustained little injury,) and imprisoned the remainder.

In the relative situation of parties, this was the necessary precursor of war; and though both, according to custom, laboured in proclamations, &c. to justify themselves by appeals to the feelings and understanding, they both prepared vigorously for an appeal to the sword. The evangelists of Bohemia, by far the most numerous party, banished the Jesuits, and were joined by a portion of the catholics, who resented the violence done to the political privileges of the kingdom. The States, having entrusted the management of their affairs to thirty directors, implored the assistance of the evangelical body, composed of the protestant princes of the Empire, with the exception of the Elector of Saxony, who had reasons for adhering to the Emperor, viz. the Elector Palatine, or Palsgrave, the Elector of Brandenburg, the Marquis of Ansbach, the Duke of Wirtemberg, the Landgrave of Hesse, the Prince of Anhalt, and the Marquis of Baden—and formed in opposition to a counter one, known by the name of the Catholic League, of whose designs they had too much cause to be jealous. In the beginning of these troubles Matthias died, and Ferdinand was elected to the Empire, though not without the charge of similar unfairness to what had been practised in the case of Bohemia. As his election to the latter had been compassed by means which the States were resolved to resist, they deny its validity, and tender their crown to the Palsgrave, whose connections, and particularly his alliance with England, flattered them with the hope of great assistance in their

struggle for independence. The moment was An. 1619. critical; the prospect of success considerable, (the cause flourished at the beginning,) and as Frederic might conclude with much appearance of reason, that James, though, from his excessive timidity, he might not encourage him to accept of the proffered crown, would support him in his throne, he received the kingdom without awaiting the approbation of his father-in-law.

When the news of these events reached England, all ranks were inflamed with generous ardour in the cause of their protestant brethren, as well of the daughter and son-in-law of their king, and eagerly desired the interposition of British arms in the war. Nor was their zeal marked with that want of consideration which it has been fashionable for men of letters to impute to the people. Besides the assistance of the evangelical league, the Bohemians were encouraged with prospects from other quarters. The evangelists of Upper Austria demanded equal privileges with the catholics, and resolved to join their brethren of Bohemia; while the protestant states of Moravia, Silesia, Lusatia, and Hungary, revolted from the Emperor. The Palatine was connected by consanguinity with the King of Denmark. The King of France and the Prince of Orange, then at the head of the United Provinces, were prevented by the peculiar situation of their affairs from co-operating with the Palsgrave; but the latter was attached to him by consanguinity, and both were favourable from policy. Lastly,

Gabriel Bethlen, commonly called Bethlem Gabor, Vyvad of Transylvania, heartily engaging with the Protestants, had penetrated with his army to the walls of Vienna. The issue of a contest depends upon so many casualties, that it is impossible to predict it; but, judging from probabilities, the English nation had every reason to anticipate a happy result. Spain, whose resources and arms in reality determined the event, might have been awed into neutrality by the recruited strength of the British navy; the intervention of Britain might have confirmed the wavering on one side, and deterred those on the other from interfering; while such a supply of British troops in the seat of war, as could easily have been raised, might, in all human probability, have effectually turned the scale. But this, the brightest prospect that English king ever had of earning popularity at home, as well as a character for himself and his people abroad, as the bulwark of civil and religious liberty, was lost by the absurd policy and spiritless conduct of James.

All men naturally desire the diffusion of their own principles; and when these are believed to be necessary to the temporal or future happiness of the human race, they would cease to deserve the name of men if they did not. But there is a nearer interest, which operates upon a nation who either are exposed to, or dread an invasion of their privileges by the executive; for they feel a confidence in maintaining their own rights, when the people of other states pursue the same policy. From these motives, the English took an anxious

interest in the fate of the foreign Protestants *. But motives of a contrary nature operated on the mind of James. Every indication of civil or religious liberty abroad, appearing to him to encourage similar principles at home, and consequently to shake the stability of those grounds on which he founded his divine right to govern, he felt relief in the ruin of the party abroad who espoused such a cause. One of his darling principles was, that sovereigns should be ready to assist each other in all contests with their subjects †: a principle which Lord Clarendon himself censures foreign sovereigns for not acting upon in relation to the struggle between Charles I. and the parliament, in the next age. The dethronement of Ferdinand by the Bohemians, therefore, was conceived by James to be an unpardonable crime against the divine right of kings, who, once raised to that station by whatever means, were, in his opinion, never after liable to be questioned by subjects. But he had other motives for abstaining from giving assistance to the Palatine. In any undertaking of importance, his natural timidity and

Spiritless
conduct of
James.

* Sir B. Gerbier, in his "relation for clearing some matters during the reigns of James and Charles I." says of the English people: "The reformed churches abroad they held as counterscarps and outworks of the Church of England; and, therefore, as soon as any of them was threatened, the English took it as a cloud which might in time break upon them." Ays. MSS. Brit. Mus. No. 4181. This is a view which Mr. Hume unfortunately overlooked; but which would have saved him from many errors.

† Howell's Fam. Let. p. 67.

indolence conjured up difficulties and dangers from which he recoiled. The British navy, once the most powerful in Europe, had, through the secret influence of Spain, been permitted to fall into decay, and could only be recruited at considerable expense; his profusion had so drained his coffers, that, without summoning parliaments, and relying upon their support, which for many reasons he was eager to avoid, he was unprepared to act with vigour in the war; and, above all, the step would frustrate a treaty of marriage which he had been long labouring to accomplish between his son and the infanta of Spain—a project as much dreaded by his subjects as fondly cherished by himself*. On these grounds he declared himself dissatisfied with the proceedings of the Bohemians, and disclaimed the act of his son-in-law, whom he refused to recognize under the title of king. But, instead of an army, he dispatched ambassadors at vast expense, to mediate between the contending parties, on the principle of the Bohemians returning to their obedience under the emperor, and the Palsgrave's renouncing all pretensions to the crown—a proceeding which excited contempt against himself†, and lowered the character of the nation,

* James had early courted an alliance with France. *Mem. de Sully*, tome iii. p. 274.; and not long after with Spain, for prince Henry, *Winwood's Mem.* vol. ii. p. 160.

† In Flanders, England was represented as ready to send 100,000 ambassadors to the assistance of the Palatinate. James was caricatured in one place with a scabbard without a sword; in another, with a sword which no body could draw out, though many stood pulling at it. In Brussels they painted him with his pockets hanging out, without a penny in them, and his purse upside down. In Antwerp

while it struck a baleful damp into the allies, and inspirited their enemies.

The fate of the Palsgrave may be recounted in a few words. The King of Poland, aiding the emperor in Hungary, obliged Gabriel Bethlen to enter into a truce; the Elector of Saxony, whom interested motives had withheld from joining the evangelical union, was induced by these, and fresh hopes, to depart from the neutrality he at first affected, and assist the imperial cause with an army of 15,000 horse and foot, and soon reduced the Protestant states of Austria to the necessity of renouncing the confederacy, and submitting to the emperor. The Duke of Bavaria, head of the catholic league, likewise won by promises, joined the imperialists; and Spain, which had at the beginning of the troubles prepared vigorous levies in the Low Countries, to assist the common cause of their house, sent a considerable army under Spinola into the field. On the other hand, Frederic was little qualified for the station to which he had been exalted. He lost the affections of his new subjects, by the state and grandeur of his manners. The two leaders, counts Mansfeld and Thurne, under whose command the allied army had fought with success, were, with an indiscretion in which he at least participated, superseded in the chief command by the Prince of Anhalt, who was neither experienced in war, nor had given the slightest indication of the talents requisite for it; and above all, Frederic, with

Ruin of the
Palsgrave.

they represented the queen of Bohemia, his daughter, like a poor Irish rambler, with her hair hanging about her ears, with her child at her back, and James carrying the cradle after her. Wilson, p. 749. R. Coke, p. 109. Howell's Fam. Lett. p. 89. Somers's State Tracts.

a meanness as impolitic as contemptible, permitted his troops to mutiny for want of pay, while he had sufficient treasure in his coffers. It is not our purpose to trace the progress of the war, it is enough to observe, that the elector was put to the ban of the Empire; that the Palatinate, to which James sent a solitary regiment, as if to insult the cause which it could not materially aid, was overrun by the Spanish army; and that the united army of the protestants sustained so signal a defeat at Prague, where the conquerors were rewarded with that treasure, which, by being withheld from the vanquished, greatly contributed to the event, that Bohemia was reduced, and taught, by frequent executions, to lament the iron yoke under which it had fallen, while Frederic, who is alleged to have stood aloof from the battle, was obliged to flee to, and beg an asylum in Holland. After such a reverse, the protestant cause in Germany seemed in a manner hopeless; but, such were the resources of the protestant states, and the jealousies of so many principalities who owed a nominal rather than real subjection to the Emperor, that the war continued for nearly thirty years, and was terminated at last with concessions to the protestants. This fact of itself affords the best presumption of correctness in the view taken by the English at the beginning of the struggle*.

* Universal History, fol. vol. xi. Barre, Hist. d'Allemagne, p. 451, *et seq.* tome ix. Nani, l. iv. Rushworth, vol. i. p. 5. *et seq.* Franklin, p. 38. *et seq.* R. Coke, p. 89. *et seq.* See Constitution and Government of the Germanic Body. Hacket's Life of Williams, part I. p. 70. *et seq.* Wilson, p. 720. *et seq.* Howell's Fam. Lett. p. 67. *et seq.*

James, whose mind was wholly intent upon the Spanish match, foolishly consoled himself for the ruin of his daughter and her family, by imagining that the Spaniards would restore the Palatinate in courtesy, which had been gained with a waste of blood and treasure. The other, perceiving his weakness, protracted the treaty, and amused him with promises, till their views were completed. The negotiation for a marriage had, on the Spanish side, begun in insincerity; but it is not so wonderful that, in the course of it, after great concessions had been made, an alliance with such a prince should have been seriously intended, as that the proposal should ever have met with hesitation. When, however, matters were at last in a fair train, a singular occurrence destroyed the work of many years.

The treaty had hitherto been conducted by the Earl of Bristol, an individual who, though he owed his original preferment to the handsomeness of his person *, was not destitute of the talents of an ambassador. The anticipated success of his mediation, however, having excited the jealousy of the great favourite Buckingham, (who foresaw in it not only the increased favour of James to one who had rendered him the service he most desired, but the probable confidence of the infanta, and

A large body of the Bohemians proposed to emigrate to England; and, as their capital and skill were considerable, much benefit to that country was anticipated in a political view; but the clergy dreaded their non-conforming principles, and they were denied an asylum. Hacket's Life of Williams, part i. p. 96.

* Clarendon, vol. ii. p. 201.

consequently of Charles, which might be accompanied with his own removal from the pre-eminent station he so odiously occupied,) induced him to carry the prince to Spain,—a course which terminated in a breach of the treaty. But before proceeding to detail these events, it may be proper to give some account of this extraordinary personage.

History and
character of
Buckingham.

Ever from the age of fourteen, James had been so much the slave of beauty and fine clothes in his own sex, though more than indifferent to the other, whom, like all weak men, he affected to despise for the inferiority of their understandings—that these alone were an irresistible charm to his utmost favour; and he was always accustomed “to clasp some gratioso,” as Bishop Hacket phrases it, “in the embraces of his great love above all others:” the individual who now filled that station, “could open the sluice of favour to whom, and shut it against whom he pleased*.” Buckingham was a younger son, by a second marriage, of Sir George Villiers of Brookesly, in Leicestershire, whose family, though ancient, had hitherto been unheard-of in the kingdom. His mother is reported to have served in his father’s kitchen, but he, being struck with her extraordinary beauty and person, which the meanness of her clothes could not hide, prevailed with Lady Villiers, not without difficulty, to raise her to a higher office; and on the death of that Lady, he

* Hacket’s Life of Williams, part i. p. 39. See Clarendon, vol. i. p. 9.

married her servant *: The latter, though not much indebted to fame for the correctness of her life †, evinced an uncommon discernment in affairs. As the heir by the former marriage succeeded to the family estate, it was the part of Lady Villiers, who obtained the means through a second husband, whom she afterwards deserted ‡, to accomplish her children for pushing their own fortune in the world; and as George was remarkable both for the beauty of his face and handsomeness of his person, she built her hopes on these natural advantages, and early sent him to France, that, with the language, he might acquire those fashionable accomplishments which add grace to beauty. This was exactly the sphere in which he was calculated to shine; and, in due time, he returned, to use the vulgar language on such a topic, the finished gentleman. The king, from his immoderate attachment to field sports, spent much of his time at Newmarket; and to that place young Villiers resorted. The first time James saw him was at the theatre, whither the king had gone to see a farce called Ignoramus, in ridicule of the common law §, for which, though he had sworn to administer it, he embraced every opportunity of expressing contempt, because it limited his prerogative, it being part of his doctrine that “the king,” we use his own words, “is to settle the law of God, and

* R. Coke, p. 74.

† Hacket's Life of Williams, part. i. p. 171.

‡ Hacket's Life of Williams, p. 171. R. Coke, p. 74.

§ Ib. p. 74.

his judges to interpret the law of the king *.” During the entertainment he espied Buckingham, and the lucky incident made that individual’s fortune: for the king’s heart was then unoccupied, as Somerset, who had so long filled it, had forfeited the place, though not the title, in consequence of a gloom, arising either from remorse for his crimes, or fear of detection, which had pervaded his countenance and infected his manners since the murder of Sir Thomas Overbury. James was smitten at first sight, and those who expected future rewards for their present advancement of one likely to be absolute in the monarch’s affections, laboured to improve his passion. Villiers was introduced to Court †, and, in a few days, promoted to the office of cup-bearer, “by which he was admitted to that conversation and discourse with which that monarch always abounded at his meals.” His utmost advancement, now determined on, required only the removal of one small obstacle. James had promised the Queen to take no favourite without her consent; and, as this must first be obtained, the task of mediation was devolved upon Abbot, Archbishop of Canterbury, whose earnest solicitations ultimately prevailed. She withstood him a long time, however, and when she yielded at last

* Sanderson, p. 439.

† He was introduced by a cabal of the nobility, who wished the overthrow of Somerset. Franklin, p. 30. Heylin’s *Aulicus Cœquin*.

‡ Clarendon, p. 10. Wilson, p. 698. Those who desire to see a humiliating picture of human nature, may look into Weldon, p. 63, and 64.

to importunity, she prophetically warned the dignified prelate that he would live to repent his interference, as James would teach the favourite to hate all who had been instrumental in raising him, that he might seem to owe his fortune solely to his master's affections, and thus be more closely attached to him, while Villiers would himself try to remove the sense of obligation, by injuring or ruining the man to whom he was indebted;—a prophecy whose truth the primate was in no long time doomed to feel*. After this the favourite's ascent was rapid. Somerset, who opposed his rise, was prosecuted for the murder of Sir Thomas Overbury, which otherwise would probably never have been avenged; and, though the king durst not proceed to extremities against the criminal, from a dread of his exposing some secrets which James trembled at the idea of being divulged, (Somerset hinted a threat in no obscure terms †,) he, after

* See Abbot's Narrative in the first volume of Rushworth.

† Sir Ant. Weldon says, that James was so dreadfully alarmed at the thought of Somerset making a disclosure at his trial, that strict orders were given to hoodwink Somerset, and carry him from the bar, if he offered to speak. P. 118.—The letters of Bacon to the king, &c. prove how terribly the monarch was disquieted, and that every means were taken to soften Somerset, by assurances of royal favour, previous to the trial, in order to keep him silent, while, on the other hand, Bacon advised to intermingle with these assurances, a threat to have him carried instantly from the bar, if he offered to speak, and to proceed with the trial in his absence, when he should be abandoned to his fate. Certain arrangements were also made. Birch's Edition of Bacon's Works, vol. iii. regarding the trial of Somerset. State Trials. I forbear to offer any remarks as to the cause. It was by some attributed to his having been accessory to the murder of his own son, Prince Henry,

conviction, stript the hated minion of the immense property which his boundless profusion had bestowed, though he allowed a pension of £4000 a-year, as a resource against want, to one con-

who was on ill terms with his father, and at war with the favourite, and of whose popularity James was so jealous, that he is reported to have been heard to exclaim, "Will he bury me alive?" Coke's Detection, p. 66.; but the idea of Henry's having been poisoned is contradicted by the report of the physicians, whom James directed to open the prince, and who describe no appearances indicative of poison. That report, however, did not satisfy the people, nor even the courtiers, and the most enlightened statesmen. So far had the rumour of foul play extended, that Christina of Sweden spoke of it to White-locke, inferring that a judgment impended over the House of Stuart. Whit. Emb. Aysc. MSS. Brit. Mus. No. 4991. p. 206. Mr. Fox's impression was, that Prince Henry was poisoned. Letter from him to Lord Lauderdale, in the preface to his Hist. by Lord Holland.

Others, amongst whom is the ingenious Sir Walter Scott, have attributed James's alarm to a still more flagitious cause. "The fatal secret," says the accomplished Baronet, "is by some supposed to refer to the death of Prince Henry; but a cause yet more flagitious will occur to those who have remarked certain passages in the letters between the king and Buckingham, published by Lord Hailes." Note in his Edition of Somers' Tracts, vol. ii. p. 488. See also Sir Walter Scott's Notes to Somers' State Tracts, Id. pp. 233, 355, 262, *et seq.* That criminal is reported by Weldon to have said, that James durst not proceed against him. The threat made to James in a petition, was, "I will say no further, neither in that which your majesty doubted my aptness to fall into; *for my cause nor confidence is not in that distress, as for to use that mean of intercession, or any thing besides.*" Somers' Tracts, vol. ii. p. 356. "Osburne says, that Somerset and Buckingham laboured to resemble women in the effeminency of their dress, and exceeded even the worst in the grossness of their gestures." Id. p. 488, Note.—See Weldon, Osborne, and R. Coke. James could not refrain from the most indecent and nauseous marks of fondness for his favourites before others of the court.

Some may not be satisfied with the baronet's solution of the point regarding James's alarm at a disclosure, from the cause of Overbury's

victed of the most deliberate murder, who had entered the court a page, without patrimony, a few years before. The spoil of Somerset enriched Villiers, who, in a short time, was created a

murder. Overbury, who had little principle, acted as pander for Somerset in bringing him and the Countess of Essex together; but he feared the consequences to himself of a nearer connection, as he saw that her relations, the Howards, with whom he was at enmity, would supplant him in the favourite's affections, and trusting to his influence, from the common secrets between him and Somerset, he opposed it vehemently, applied every reproachful epithet to the lady, and threatened the favourite. The various passions of that minion concurring with those of the lady and her relations, induced him to advise the king to send Overbury abroad as an ambassador, while he himself privately encouraged him to refuse the office, that a pretext might be had for committing him to the tower for contumacy. The plot took, and Overbury was confined. From the tower he wrote—"You told my brother Lidcote, that unreverend style might make you neglect me. With what face could you do this, who know you owe me for all the fortune, wit, and understanding that you have. Is this the fruit of my care and love to you?—Be those the fruits of common secrets, common dangers?—Drive me not to extremities, lest I should say something that you and I may both repent."—"You and I, ere it be long, will come to a public trial of another nature; I on the rack, you at your ease.—Well, all this vacation I have written the story betwixt you and me. How I have lost my friends for your sake; what hazards I have run; what secrets have passed between us.—Whether I live or die, your shame shall never die, but ever remain in the world to make you the most odious man living." *State Trials*, vol. ii. p. 979. *Bacon's Works*, vol. iii. *Somers's Tracts*, vol. ii. p. 351, Note.—It was to prevent a disclosure that Overbury, who was flattered all the while, was murdered by poison. "For the main part," said Bacon in his speech against Somerset, "which is the mortal malice, coupled with fear, that was in you to Sir Thomas Overbury, although you did palliate it with a great deal of hypocrisy and dissimulation, even to the very end, I will prove it, the root of this hate was that which cost many a man's life, that is, fear of discovering secrets, I say, of secrets of dangerous and high nature; wherein the course that I will hold shall be this: I will shew, that a breach and malice

baron, a viscount, an earl, a marquis, lord high admiral of England, lord warden of the Cinque Ports, and master of the horse ; “ and,” says Clarendon, “ entirely disposed of all the graces of the

was betwixt my Lord and Overbury, and that it burst forth into violent threats and menaces on both sides. Secondly, that those secrets were not of a light, but of an high nature, I will give you the elevation of the pole ; they were such as my Lord of Somerset had made a vow, that Overbury should neither live in court nor country ; that he had likewise opened himself so far, that either he or himself must die for it : And of Overbury’s part, he had threatened my Lord that whether he did live or die, my lord’s shame should never die, but that he would leave him the most odious man in the world.” And Bacon says farther, “ I will shew you it was but a toy, to say the malice was only in respect he spake dishonourably of the lady, or for doubt of breaking the marriage, for that Overbury was coadjutor to that love, and the Lord of Somerset was as deep in speaking ill of the lady as Overbury,” &c. See Birch’s edition of Bacon’s Works, vol. iii. See Somers’s Tracts, vol. ii. p. 354.—Mr. Hume, whose account of all this matter is exceedingly partial, tries to ridicule Sir Ed. Coke for calling Mrs. Turner a witch, as well as a bawd, felon, and murderer, &c. which she undoubtedly was ; but she had affected to be one, and pretended to the countess her ability to gain Somerset by spells. He also ridicules Bacon for calling poisoning a Popish trick ; but that is not his language. He says, “ For impoisonment I am sorry it should be heard of in our kingdom ; it is not *nostris generis nec sanguinis peccatum* ; it is an Italian comfit for the court of Rome, where that person that intoxicateth the kings of the earth, is many times really intoxicated and poisoned himself.” And when we reflect on what Bacon witnessed—an encouragement to Elizabeth’s gentlewomen to murder her, &c. the gunpowder plot, &c. we cannot condemn him.—Nay, I would ask whether all the ideas prevalent in Britain about her own moral purity in regard to assassination and the stiletto of Italy, be a dream?—The sufferings of Overbury are said to have been protracted through the portion of grace possessed by the lieutenant of the Tower, who though he was wicked enough to agree to the horrid deed, had sufficient virtue to wish to prevent it, and therefore, prevailed with one of the murderers not to give the poison as it was sent. Weldon, p. 73, *et seq.*—Weldon

king, in conferring all the honours, and all the offices of the three kingdoms, without a rival.”—“Never,” observes the noble historian, “any man, in any age, nor, I believe, in any country or nation, rose in so short time to so much greatness of honour, fame, or fortune, upon no other advantage or recommendation than of the beauty or gracefulness of his person *.”—It is humiliating to think, that this minion’s heels were tracked with spaniel-like observance by the chief of the church, and of the nobility, who were content to be call-

gives the following account of the last parting between James and Somerset, as a proof of that monarch’s dissimulation, or, as James himself called it, *king-craft*: “The earl of Somerset never parted from him with more seeming affection than at this time, when he knew Somerset should never see him more; and had you seen that seeming affection, (*as the author himself did,*) you would rather have believed he was in the rising than setting. The earl, when he kissed his hand, the king hung about his neck, slabbering his cheeks, saying, for God’s sake when shall I see thee again? on my soul, I shall neither eat nor sleep until you come again. The earl told him, on Monday, (this being on the Friday.) For God’s sake let me, said the king; shall I, shall I? Then lolled about his neck; then, for God’s sake, give thy lady this kiss for me: in the same manner at the stairs head, at the middle of the stairs, and at the stairs foot. The earl was not in his coach when he used these very words, in the hearing of four servants, of whom one was Somerset’s great creature, and of the bed-chamber, and who reported it instantly to the author of this history—“I shall never see his face again.” Pages 102, 103.—Weldon is called satirical; but the publication of Letters by Lord Hardwicke, Hailes, and M. Auley, gives us some reason to think that he fell short of the truth in several respects; and in this, James’s conduct is confirmed by his usage of Buckingham, after he had resolved on his destruction, according to Clarendon himself. He wrote the most fulsome letters at that time. The case of Peacham, too, (see Hailes’s Col.) amongst others, affords no room for thinking him inclined to compassion, as Mr. Hume asserts.

* Vol. i. p. 9.

ed his creatures, professing an attachment bordering on adoration, and submitting to treatment little short of that experienced by the animal whose nature they imitated. The works which expose the court at this time, excite disgust at its meanness and profligacy; and though we should disregard these as caricatures, enough would still remain: For it is impossible to read Heylen's *Life of Laud*, and *Laud's Diary*, with his *Prayers for Buckingham*, *Hacket's Life of Williams*, some letters in the *Cabala*, &c. nay some passages in *Clarendon*, without insuperable loathing. One feels, as it were, transported to an unwholesome region, whose baleful influence has rooted out the honest instincts of our nature, and left abject baseness to usurp the name of virtue. Bishop Hacket excuses the meanness of Williams, by observing, that "this was ever a venial fault at court, where it was usual for men in place to drink down such affronts as would scald their throats, that could not endure the vassalage which was tied to ambition*." As neither talents nor virtue had raised Villiers, so he had little of either, though more of the first than the last, and as his heart was daily corrupted, so was his judgment perverted, by his situation. His profligacy became extravagant from the unlimited means of indulgence. His natural presumption, rashness, and insolence, threw off controul, with his sudden, unexpected, and towering greatness, while a sense of insecurity made

* *Life of Williams*, part i. p. 171.

him “fear every shadow,” and desperately adventure upon many things for his preservation *. The least national evil arising from his influence, was the enriching, at the public expense, of his numerous relations, (whose avarice was, like his own, insatiable, and for whom new projects were invented, injurious to the general privileges as well as prosperity :) For, as all offices were filled by him, none could expect preferment but such as were willing to shew him the last degree of servility,—the most unlikely to discharge the duty of their appointments with faithfulness or ability; and a restless jealousy of their acquiring popularity, or the confidence of the sovereign, induced him to a frequent change, by suddenly casting down those he had raised†. Unfit men, therefore, were advanced, justice was obstructed, and the national morals exposed to corruption by a profligate example from stations which demanded purity of conduct.

Between the prince and him a jealousy, attended on his part with outrageous insolence, had long subsisted. To such a height of presumption was this minion grown, that he not only used language to Charles, now only to be found in the mouths of the lowest class of the community ‡, but, to quote the words of the best authority in this instance, Clarendon, “was once very near striking him §.”

Buckingham's insolence to the Prince.

* Archbishop Abbot's Narrative, in Rushworth, vol. i.

† Ib. Hacket's Life of Williams, part i. p. 40, and part ii. p. 19.

‡ Weldon, p. 152.

§ Clarendon, vol. i. p. 25.

Courts, and
gains the
Prince's
confidence.

Advises the
Prince to
make a
journey to
Spain.

Address
with which
the king's
consent was
obtained.

As the humility or weakness which, by depressing one in his own opinion, prepares him to submit to insolence, formed no part of the prince's character, it was naturally to have been supposed that a terrible day of reckoning awaited the favourite; but, to the general astonishment, Buckingham no sooner stooped to court his highness, than he acquired over him the most uncontrolled ascendancy. Having gained his confidence, he instantly applied himself to the immediate object for which it had been sought. He represented, in glowing colours, the unhappiness of princes who, in a matter which substantially involves their happiness for life, are seldom left to their own discretion, but married, from reasons of state, to ladies they have never seen, and of whose beauty, disposition, and accomplishments, they rarely receive a disinterested account: and how gallant and brave a thing it would be to make himself a journey to Spain, to fetch home his bride: That a feat so extraordinarily gallant, besides at once putting a period to tedious formalities, would inspire the infanta with the utmost admiration and love, while his presence would gain at once from the Spanish king, the restoration of the Palatinate, almost the only point of importance in the treaty on which parties had not come to a final arrangement. The representation was not lost in unwilling ears. The prince was transported with the idea, and most impatiently solicitous for the journey.

The only difficulty that now remained was to obtain the King's consent; and as James's timor-

rous nature always started at imaginary danger, it was not to have been expected that he would readily consent to a step so full of hazard: but Buckingham's address surmounted the obstacle. It was determined on, that Charles should inform his Majesty, that he had an earnest suit to make, which, as it depended entirely on his pleasure, he should solemnly promise not to reveal to any one till he had returned his answer. James unsuspectingly made the promise, and Charles, falling on his knees, declared his suit, and importunately pressed it. The king heard it with less passion than was expected, and looked to Buckingham, who stood in silence, for his opinion. The favourite avoided all observations upon the prudence of such a measure, but enlarged on the infinite obligation his majesty's consent would confer upon the prince, whose heart was so set on the journey, that a refusal would deeply affect his spirits, as the greatest calamity that could befall him. Perceiving the temper with which the favourite's speech had been received, Charles took occasion to expatiate upon the consequences of his presence in immediately accomplishing the marriage, the first object of James's wish, and then procuring the restoration of the Palatinate, which was, in the next place, nearest the monarch's heart. Thus importuned, James granted his consent, either not, upon the instant, reflecting on all the consequences of so rash an undertaking, or imagining that the provisions necessary for such a journey, both as to expence and security, would not only require

time, but become public, when new measures could be taken. But as they had foreseen this, so they had provided against it; and, therefore, having obtained the royal promise in the main, they told him that the object and security of the design depend on expedition, without which secrecy was impossible: That, if it were deferred till such a fleet and equipage were prepared as became the prince, so much time would be lost as would defeat the very end of the journey: That, if a pass were demanded of France, the same delay would arise, and that, considering the mysteries and intrigues of state, a pass could not even be relied on: That, to remove all these difficulties, they had provided an expedient, which was to depart privately with only two confidential servants, and, as they had never communicated their purpose as yet to any living soul but his majesty, they might easily travel through France before they were missed at Whitehall. The plan appeared feasible, and James consented. But the nomination of servants and other matter were deferred till the following day.

When James had leisure to reflect upon this hazardous expedition, all the dangers and consequences of it presented themselves to his mind, and plunged him into the utmost distress. When, therefore, the prince and Buckingham went to him next day for the dispatch, he burst into a violent agony of passion, imploring them, with tears, to lay aside a resolution which would break his heart: As that, besides the dangers to which the prince's person was exposed, the loss of the peo-

ple's affections would attend his consent to so rash an expedition : And, instead of promoting the treaty by their presence, they would undo what, with such labour, had been already effected, as the Spaniard would take advantage of having the prince in his power to advance his terms, while the clergy, whose influence was great, would not omit the opportunity to press matters in regard to religion, which, though he never could consent to them, would create delay that might altogether frustrate the treaty. To Buckingham he represented the probable ruin to himself from such an adventure, as advantage would be taken of his absence, and such a flame kindled throughout the nation that it might not be in his majesty's power to protect him. James concluded with the same disorder and passion with which he began, conjuring them with sighs and tears, to drop a project which would break his heart. Neither Charles nor the favourite took the trouble to answer the king's arguments. The first reminded him of his promise, which he hoped was too sacred for him to violate, and assured him, that if he did, he would never think of marriage more. The favourite, " who," says Clarendon, " better knew what kind of arguments were of prevalence with him, treated him more rudely ; told him nobody could believe any thing he said when he retracted so soon the promise he had so solemnly made ; that he plainly discerned that it proceeded from another breach of his word, in communicating with some rascal who had furnished him with

those pitiful reasons he had alleged, and he doubted not but he should hereafter know who his counsellor had been," and that if his majesty retracted his promise, the prince would never forget the injury, nor forgive the man who had advised it. James passionately, and with many oaths, denied having disclosed the matter to any person whatever, and dropt his opposition. They then proposed to set off within two days, in which they hoped to have all things in readiness, and mentioned, that to prevent the journey from being known, his highness intended to give out that he had gone to Theobald's to hunt, and the favourite, that he had retired to Chelsea to take physic. For servants they proposed Sir Francis Cottington and Endymion Porter, both well known to the king, and approved of by him, the first having been long his majesty's agent at the Spanish court. The prince and favourite were anxious that the affair should not be disclosed to their attendants till they were ready to embark; but James, alleging that Cottington, who waited in the outer room, might suggest many things for the journey which had not occurred to them, sent for him instantly. No sooner did James take this step than Buckingham whispered to the prince that Cottington would be against the journey; but Charles answered that he durst not.

The king, having told Cottington that, as he had always been an honest man, he would trust him with an affair of the last moment, which he must not communicate to any man alive, said,

“here is Baby Charles, and Stenny, (an appellation he always used, of and towards the Duke *,) who have a great mind to go by post into Spain, to fetch home the Infanta, and will have but two more in their company, and have chosen you for one. What think you of the journey?” Cottington often protested afterwards, that when his majesty had spoken thus, he fell into such a trembling that he could hardly speak; but, being commanded to give an answer, he expressed an opinion similar to that which had been previously entertained by the monarch himself. Upon which the king threw himself upon his bed, and said, I told you this before, and fell into new passion and lamentation that he was undone, and should lose Baby Charles. The prince and Buckingham were enraged, and the latter, having told Cottington that he merely objected because his pride was

* Steeny, or Stenny, was the diminutive of St. Stephen, between whom and Buckingham, a similarity, it might be imagined, could not have easily been discovered; but James found one: St Stephen is generally painted with a glory about his face, and Villiers's beauty immediately suggested the likeness. Ken. vol. ii. p. 697.

It appears by a letter in the British Museum, and correspondence published, that Buckingham always went by the name, and called himself, the dog, in writing to, or conversing with, James: and that James himself passed by the name of the Sow. To sooth his melancholy at the slow progress of the Spanish match, Stenny got a pig dressed like a child, one of his creatures as a bishop, &c. and proceeded to baptize it (the individual who personated the bishop, read the service); but James, however fond of a profane jest, was not in the humour, and gravely ordered them to have done with such profanity. Wilson, p. 760. Whitelocke's Mems. to the death of James I. p. 304.

hurt at not having been at first consulted, reproached him with all imaginable bitterness, for that he had merely been asked his opinion about the best mode of travelling, of which he was a competent judge, having ridden it post so often, and yet he had presumed to give advice upon a matter of state, and against his master,—conduct which he should repent as long as he lived. He concluded with a thousand new reproaches, “which put the poor king into a new agony, in behalf of a servant who, he foresaw, would suffer for answering him honestly.” “Nay, by God, Stenny,” said he, with some commotion, “you are very much to blame to use him so. He answered me directly to the question I put to him, and yet you know he said no more than I told you before he was called in.” However, the result of all this passion was, that the king was obliged to renew his consent, and directions were given to Cottington about the journey. But James had penetration enough to perceive that the author of the whole intrigue was Buckingham, and it is alleged by the best authority, that he never forgave it*. Surely the whole of this transaction, which we have taken from Clarendon, proves that James, who insulted the people by pretending to be above the controul of their laws, crouched to the creature he had made, in a manner which, to the people at large, would have appeared insupportable thralldom. But Bucking-

* I take this from Clarendon, and all the quotations are from him.

ham was not always rough. The most profane flattery was employed by him on other occasions to sooth his master's vanity.

The prince and Buckingham travelled *incog-*^{The Prince and Buck-}
nito, and reached Madrid without an accident.^{ingham tra-}
 Great was the surprise of all men there on the^{vel incogni-}
 arrival of such an illustrious guest. But Bristol,^{to to Spain.}
 who, in all likelihood dived into the secret mo-^{Their re-}
 tives of the journey, and who foresaw the conse-^{ception}
 quences, both as it testified too great an eagerness there, &c.
 for the match, and afforded the Spaniard such an
 advantage over the prince, as would induce him
 to rise in his demands, was deeply mortified. His
 highness was treated with the respect due to his
 rank, and to the extraordinary confidence reposed
 in Spanish honour; but, as the king had predict-
 ed, and Bristol foresaw, the journey, instead of
 forwarding, obstructed the treaty, instead of soft-
 ening the terms, rendered them more rigorous.
 Yet, as the prince was disposed to make conces-
 sions, particularly in regard to religion, which
 could not have been fulfilled without a ferment at
 home, (he not only too, wrote an extraordinary
 letter to the pope in answer to one from his holi-
 ness, intended to seduce him into the bosom of the
 Catholic church *, but advised his father by a let-

* The answer by Charles has been called a piece of politeness; but Clarendon entertained a very different opinion of it, who, in a private letter, declares it "more than compliment." He passed it over in silence in his history. Clarendon's State Papers, vol. ii. p. 337. That the reader may judge for himself, we present the Pope's letter and the prince's answer, in the Appendix, note A.

terstill extant, to acknowledge the papal supremacy †) this long protracted negociation might have been closed at last to the satisfaction of the English monarch, had it not been for the spleen and rankling jealousy of Buckingham. The pride and cold reserve which marked the manners of Charles, though they contributed in no small degree to the spirit of hostility which afterwards pursued him, according with the habits of the peninsula, procured him the reverence of that people as much as his romantic confidence in their honour excited their esteem. But the French garb, levity, profligacy, and violent temper of the favourite, together with his gross familiarity with his master, a thing monstrous in their eye, provoked very opposite feelings. Some jealousy too arose between him and the Spanish favourite Conde Olivarez, each expecting from the other a portion of that deference which they were respectively accustomed to receive from the rest of mankind; and the latter, whose resentment

† The letter alluded to, was in the joint names of Charles and Buckingham, and contains this passage,—“ We make this collection of that the Pope will be very loth to grant a dispensation, which, if he will not do, then we would gladly have your directions how far we may engage you in the acknowledgment of the Pope's special power; for we almost find, if you will be contented to acknowledge the Pope chief head under Christ, that the match will be made without him.” Hardwicke's Col. vol. i. p. 402. James sent Mawe and Wren as chaplains, because they would go as far as could lawfully be done, it being the king's “ way to go with the church of Rome *usque ad aras*,” p. 406.; but he objected to own the Pope's supremacy. See correspondence in that Collection of State papers. Articles agreed upon, in Rush. vol. i. p. 86.

would quicken his sense of propriety as regarded Buckingham's familiarity with the prince, was heard to remark, that "if the infanta did not, as soon as she was married, suppress that licence, she would herself quickly undergo the mischief of it*." This having been reported to the English favourite, for his eave's-droppers were ever ready to run with a tale, first alarmed him, and as it was, according to custom, echoed with improvement by the other ministers, amongst whom it was said that "they would rather put the infanta into a well than into his hands;" and every day's experience convinced him of the little esteem in which he was held: the circumstance, along with his intelligence from England, accounts for the catastrophe.

The English monarch, though he dissembled his resentment towards his favourite for the expedition, and, besides writing the most fulsome letters, created him a duke during his residence in Spain, in reality never forgot it†, and the change in his affections did not escape the keen and watchful eyes of the courtiers, whose function it was to search his inmost thoughts, and wear the livery of his present humour. Though they had been all indebted to the duke for their advancement, and expressed unlimited devotion to his ser-

The resentment of James towards Buckingham for the expedition, and intrigues at Court.

* Clar. vol. i. p. 36.

† Rush. vol. i. p. 102. See a description of Buckingham's insolent carriage and familiarity with Charles, (whose cold manner froze others) during their stay in the Peninsula, in the Cabala, p. 276.

vice, the discovery occasioned intrigues. One party, presuming that he was now on the decline, were willing to assist his descent, that themselves might rise upon his ruin. The other, who supposed that the cloud upon the king's affections might be dissipated by the first appearance of the favourite, and probably looked forward to the succeeding reign, built their hopes on the continuance of his power, and eagerly counterplotted the opposite faction, whom they were anxious to crush as rivals in the road of preferment. The most indefatigable of his supporters, and most punctual of his correspondents, was Laud, whose eye, ever directed to preferment, perceived an opening prospect in the opportunity now offered of earning his patron's favour by unwearied industry in his cause, as well as of removing a hated rival in the person of a former friend *. And it must be confessed, that, if this rival, Williams, Lord Keeper and Bishop of Lincoln, were guilty of defection from his patron, which there is reason to suspect, he experienced in the perfidy and restless enmity of Laud, the proper reward of his own treachery. From Laud and others, Buckingham received frequent, and probably exaggerated, intelligence of the intrigues of his creatures, in the court at home—intelligence which could not fail to alarm one whose hectic jealousy, as displayed even in the journey to the Peninsula, proved how sensible he was of the many

* See Heylen's Life of Laud, about his activity in corresponding with, and conveying intelligence to his patron, p. 105, 113.

fatal accidents to which his sudden, unmerited, and towering grandeur was exposed. To the popular odium entertained against him he was no stranger; and he knew that the marriage would raise such a torrent of public hostility, for which his administration had opened legitimate channels, as nothing but the royal power could stem. But, if there were truth in the conjectures of his enemies, and if their schemes succeeded, he was inevitably undone. Supposing, however, that their malice had been fed with unsubstantial hope, he derived from the marriage another source of disquietude. The enmity of the Spanish court was certain, and the infanta had doubtless been infected with its breath. If, therefore, she gained the affection of the romantic Charles, and were agreeable to the doting James, her influence, backed with that of the court from whence she came, would be directed towards rooting from the king's heart a presumptuous favourite, whose conduct was equally marked with profligacy of morals and the absence of respect for his superiors. Should all this, however, not prevail, but the memory of what he was, preserve him during this reign, he was, at all events, left naked to his enemies the instant Charles mounted the throne—an event that, considering the age and bodily infirmities of James, could not be deemed remote. On the other hand, popularity in England attended a breach of the treaty, his present unlimited sway over the prince was unexposed to subversion by the infanta, and any loss of the king's favour might be repaired at leisure, when no foreign ene-

mies crossed his counsels, and his English ones were banished the royal ear ; or, should his hope of recovering the king be vain, the tide of popularity, with the prince's favour, would rescue him from destruction now, and the latter would recompense hereafter any temporary disgrace. To these motives for an immediate rupture, incalculably stronger than those which had occasioned so rash a journey, was added a painful and rankling sense of the disgust that his conduct had excited, which, doubtless, operated upon a temper naturally haughty and violent as his, and spoiled with unexampled indulgence*.

Having determined on a rupture, his first object was to procure the cordial support of the prince, in which he would appear to have succeeded without a struggle. Taking advantage of the delays in completing the match, he infused a jealousy of the intentions of the Spanish court, and inflamed Charles with the idea of ill-treatment, of which he had small reason to complain, till the prince was, from motives of resentment, as deeply fired with an ardour for a breach and a war, as Buckingham from such a complication of causes. But, though they had formed their plans, they parted from Madrid with every demonstration of the most cordial attachment, except that the favourite, while he expressed to Olivarez his high sense of gratitude to the court for their kindness, intimated strong dislike to himself. As, however, the prince

* Rushworth, vol. i. Clar. vol. i. Heylen's Life of Laud. Hacket's Life of Williams, part i. Coke's Detect.

and duke were resolved on a breach, they easily afterwards invented a pretext*.

The air rang with acclamations on the prince's arrival in England, and the news of his displeasure with Spain,—a circumstance which ought to have endeared so affectionate a people for life†. But James heard with horror of the intended breach of the treaty, which had been so many years protracted, and was at last nearly brought to the conclusion he so eagerly desired. To prevent his passion for the marriage from defeating their purpose, a parliament, formerly dreaded by the favourite, was now proposed, that, supported with its authority, they might constrain the unwilling king to concur in their views. To that assembly, not only Buckingham and even Charles, but the monarch himself, displayed a degree of duplicity which it is impossible to excuse. James, though harbouring black resentment towards the duke on account of the journey, and the alienation of his son from the match, was lavish of encomiums for that very service, declaring that it had been performed according to his commands. The prince and Buckingham, on the other hand, concurred in a story destitute of truth, in order to win the as-

The prince and Buckingham return, and a parliament is called, 1623.

* For an account of the expedition to Spain, and all occurrences on that subject, see Rushworth, vol. i. from p. 76 to 113. P. 249, *et seq.* Hacket's Life of Williams, part i. p. 115, *et seq.* Heylen's Life of Laud, p. 101, *et seq.* Wilson, 763, *et seq.* Somers's Tracts, vol. ii. p. 524, *et seq.* Sanderson's James I. p. 542, *et seq.* Papers relative to the Spanish match in Hardwicke's Collection, vol. i. p. 399, *et seq.* Clarendon, vol. i. p. 11, *et seq.* Howell's Fam. Let. p. 116, *et seq.* Coke's Detection, p. 108, *et seq.*

† Rushworth, vol. i. p. 104.

sistance of parliament to measures in opposition to the king. Yet, because parliament, confiding in the integrity of the king, and particularly of Charles, approved of the duke's conduct, upon his own statement, avouched by the prince; succeeding assemblies have been severely censured for recalling confidence so grossly abused. And this censure has been passed by historians who admit the imposition by which the parliament was induced to approve of the favourite's management of the Spanish affair *.

The king's
resentment
of Bucking-
ham's con-
duct.

The duke's extraordinary narrative sharpened the resentment of the king, who knew its untruth, and was unprepared for the statement. In conjunction with another circumstance, therefore, it raised his displeasure to such a height, that, says Clarendon, "he wanted only a resolute and brisk counsellor to assist him in destroying the duke; and such a one he promised himself in the Earl of Bristol, whom he expected every day †." The other circumstance alluded to, which offended James, was the ruin of the Earl of Middlesex, by exposing him to parliamentary impeachment. This person had been bred in the city; but having had an opportunity of worming himself into the confidence of the favourite, (he was a man of great knowledge of mercantile business,) and having married one of his relations, whom the duke ever patronized, he had been promoted to the station of privy counsellor, master of the wardrobe, and mas-

* Clarendon does this; see vol. i. p. 19, *et seq.*

† Clarendon, vol. i. p. 23.

ter of the wards, and subsequently, without parting with these, to the office of lord treasurer of England, and the rank of Earl of Middlesex. The absolute dependence which he had been accustomed to express to the favourite, he began to withdraw during the other's absence in the Peninsula ; for, reckoning upon the king's displeasure on account of the journey, and the extraordinary favour then shewn to himself, he entertained the hope of standing without the other's assistance, and probably supplanting him in the royal grace. This the duke dreaded, and the offence could, therefore, only be atoned by the ruin of an individual, whose treachery to his benefactor leaves no room to lament his fall. James endeavoured to protect Middlesex, but his anxiety on that head could not fail farther to alarm the favourite, whose influence at this time in parliament enabled him to act against the inclination of his master ; and as the sudden rise of Middlesex had excited powerful enemies, while his administration afforded the ground of impeachment, his ruin was easily accomplished. When his majesty had ineffectually tried to soften the duke's passion against that individual, he said, in great choler, " By God, Stenny, you are a fool, and will shortly repent this folly, and will find that, in this fit of popularity, you are making a rod with which you will be scourged yourself." Then turning to the prince, who, in this as in every instance, appears to have been a mere instrument in the hands of Buckingham, he remarked, " that he would live to have his belly-full of parliament impeachments ; and

when I shall be dead, you will have much cause to remember how much you have contributed to the weakening of the crown by the two precedents you are now so fond of,"—meaning the attempt to engage parliament in a war, and this prosecution *.

The supply granted by Parliament on the condition of the treaties with Spain being broken off, &c. 1624.

Though the favourite, for he still retained that character, had resolved on a war with Spain, the ostensible object was the recovery of the Palatinate, and hostilities with Spain were only contemplated by parliament, in so far as that branch of the house of Austria was expected to assist the others in retaining that territory. No war with Spain was proclaimed, and when, afterwards, Mansfeld obtained the command of 12,000 English troops for the service of the Palatinate, he was specially instructed not to offer the slightest injury to the Spanish interest †. To assist in the recovery of the Palatinate, three subsidies, and three fifteenths, estimated at L.300,000, were voted; and four entire subsidies, amounting to about L.80,000 more, were granted by the clergy ‡,—a supply remarkably diminutive, if estimated by the standard of modern times, or even by the boundless profusion of the king, who could squander larger sums upon individual favourites; but which assumes a different light when we consider that the sum demanded by James for the war was only £900,000, and that afterwards the whole continental operations, which were to be conducted on a large scale, were calculated to require no more than

* Clarendon, vol. i. p. 22, *et seq.* Rushworth, vol. i. p. 115, *et seq.*

† Id. p. 154.

‡ Old Parl. Hist. vol. vi. p. 333. 4 Inst. p. 33.

£700,000 per annum. The supply was granted upon the condition of the Spanish treaties being dissolved, and upon another which, though common at a former period of English history, had in later times become unusual: that the money should be expended by commissioners appointed by parliament upon the business for which it was granted. But in the last condition they were disappointed, while their hopes in the expedition itself were blasted; a fine army having, through ill-concerted measures, been led to destruction *.

The ruin of
the army
raised.

In order to raise money, and to gain popularity, Buckingham had listened to a proposal by one Preston, remarkably opposite to the ruling principles both of this and the succeeding reign,—to make a new invasion of church property, by destroying cathedral and collegiate churches, and confiscating their property. The plan was feasible, as it promised not only a large supply of treasure, and the thanks of a great party, but the means of purchasing adherents by a judicious distribution of the property. But from this attempt the favourite was dissuaded by Williams †; and, like men who have no steady principle of action, he immediately led, or quickly followed, his young master into the opposite extreme,—to which, perhaps, the revolt of his mother, to whom he paid great deference, from her early faith to the Romish church ‡, might be no small inducement.

A project
entertained
for raising
money.

The Spanish ambassador, who had, as the repre-

* Rushworth, vol. i. p. 152, *et seq.*

† Hacket's Life of Williams, part i. p. 204.

‡ Id. p. 171.

The jealousy infused into James of his son and favourite, by the Spanish ambassador.

representative of his master, such cause of dissatisfaction, accused Buckingham to the king, and even spared not Charles himself; and having procured a secret interview, he put a paper into James's hand, in which it was stated, that being besieged and encompassed by the duke's servants and dependents, so that none could be admitted without their consent, nor heard but in their hearing, he was in reality as much a prisoner in his own palace as king John of France had been in England, or Francis I. in Madrid; that he had been brought into contempt with the people, and it was intended by the prince and duke, in conjunction with a cabal of the popular nobility, who had lately been reconciled to the favourite, to deprive him of the regal power, and confine him to one of his country houses; and that his only safety lay in an immediate dissolution of the parliament, and other vigorous measures*. The intelligence had the desired effect upon a mind naturally timid, and which had sunk under the overwhelming influence of the favourite, whose destruction he had determined on: he became melancholy, mused much in silence, and "entertained the prince and duke with mystical and broken speeches." He then suddenly resolved to set off to Windsor, and found a trifling excuse for leaving Buckingham behind, who had prepared to accompany him, and then with tears besought him to reveal the cause of

† Rushworth, vol. i. p. 144. Hacket's Life of Williams, part i. p. 195, *et seq.*

his displeasure. James refused to disclose the cause, but pronounced himself “the unhappiest man alive to be forsaken of them that were dearest to him*.” The lord keeper, Williams, who declared himself “panged like a woman in travail†” till he should know the truth, and who spared not for cost, says Hacket, “to purchase the most certain intelligence of those that were his paid pensioners, of every hour’s occurrence at court, and was wont to say that no man could be a statesman without a great deal of money,” made some discovery, and immediately “sought out the duke at Wallingford House, and had much ado to be admitted to him in his sad retirement: whom he found laid upon a couch, in that unmoveable posture, that he would neither rise nor speak, though he was invited to it twice or thrice by courteous questions. The lord keeper gave his Grace the faith of a deep protestation, that he came purposely to prevent more harm, and to bring him out of that sorrow into the light of the king’s favour: That he verily believed God’s directing hand was in it, to stir up his grace to advance him to those honours which he possessed, to do him service at this pinch of extremity‡. He besought his grace to make

* Hacket’s Life of Williams, part i. p. 197.

† Ib.

‡ Ministers of religion who talk thus are the very men who bring, not only the cloth, but religion itself, into that contempt of which they are always ready to complain. Such impiety is well exposed by Vanburgh in the Relapse, (a play of great merit as to the genius of the author, but of detestable morality.) Bull, the chaplain, says to Lord Foppington, “Alas! my lord, I have no worldly ends,

haste to Windsor, and to shew himself to his majesty before supper was ended; to deport himself with all amiable addresses, not to stir from his person night nor day. For the danger was, that some would thrust themselves in, to push on his majesty to break utterly with the parliament; and the next degree of their hope was, upon that dissolution, to see his grace committed to the Tower, and then God knows what would follow *.” Williams afterwards learned the whole particulars by bribing, through his emissaries, (for he never saw her,) the Spanish ambassador’s mistress, whom the ambassador had been weak enough to entrust with affairs of state; and, having communicated the matter to the prince and duke, they adopted measures for reconciling the king, who affected to be satisfied †. But it was far otherwise. It has been said that James impatiently expected the arrival of Bristol, with whom he might ruin the duke; and the latter dreaded the meeting. Bristol, therefore, was at first, through Buckingham’s influence, committed to the Tower, and afterwards restrained the royal presence; but though a temporary popularity, with other circumstances, empowered the favourite to overrule the king, this could not have continued much longer, when the death of that

Death of
James, 27th
March,
1625.

I speak truth, Heaven knows.”—Lord Foppington.—“Nay, pr’ythee, never engage heaven in the matter, for by all I can see, ’tis like to prove a business for the devil.”

* Hacket’s Life of Williams, part i. p. 197.

† *Ib. et seq.* James’s dissimulation was extreme. See Letters published by Lord Hailes, and one of a strange nature by M. Auley, vol. i. p. 233.

monarch eased the duke's apprehensions. From the violence of the minion's passions, and profligacy of his morals, joined with the strong interest he now had in removing his master, who was surrounded with his relations and creatures, and the not unfrequent occurrence of assassination in that age, his conduct, at the last illness of the king, excited a strong suspicion of foul play. James was afflicted with the ague, and Buckingham, assuming the province of physician, applied remedies, in spite of the remonstrances of the medical attendants, which were attended with extraordinary effects. But the following passage, taken from the manuscript copy of Whitelock's relation of his embassy to Sweden—a passage which the editor has thought proper to omit, may not be unacceptable to the reader. At one of his private audiences with Christina, (she had much pleasure in conversing confidentially with this able man about affairs in general, and particularly about those of England, which she had a wonderful knowledge of,) she “fell into a discourse concerning King James, and asked what testimony there was of his being poisoned, as many have affirmed. Whitelock told her, that, in the beginning of the reign of the late King Charles, that business was under examination in parliament, whereof Whitelock was then a member; that the doctors who attended King James in that sickness did testify, that, contrary to their order, a plaister and a drink with powder was given to him by the Countess of Buckingham, the duke's mother” (the Commons charged the duke with having given it with his own hand, but the

discrepancy is immaterial,) “that he took it by the persuasion of the duke and of his mother, that the disease being a violent fever, the plaister was of an infective quality, and turned the heat inwardly, that the king took them twice, and fell into raving fits after it, and cried out, ‘that which George hath given me hath killed me;’ that his body swelled very much. The queen said, ‘then certainly he was poisoned.’ Whitelock said that many believed it, but that there was any ill intention in giving him the drink and plaister was not made to appear*.” This able statesman and ambassador did not keep a

* Whitelock’s Embassy. Ays. Brit. Mus. No. 4991, p. 206. Why does the Editor omit all this, and make the ambassador say, “that he declined this discourse, and to speak reproachfully of the dead.” Printed Journ. v. i. p. 283. Whitelock gave a particular account of Buckingham, between whose family and his children there was a near alliance. *Ib.* The queen complimented him highly upon his abstaining from all reproach towards the absent or dead.—This subject will necessarily be resumed afterwards, when we detail the parliamentary proceedings against the duke. Burnet says, that Somerset had told some, of whom he had it, that he (Somerset) was secretly sent for by James, a little before his death, in order to take that criminal again into favour, and that Somerset believed the secret was not well kept, and had influenced Buckingham to destroy his master. But it is scarcely credible that James should have been so lost to all sense of decency as to bring this convicted felon forward again, though Somerset might boast of it. Another fact, told by the bishop, is more material, that his mother’s brother, Dr. Craig, was disgraced for saying the king was poisoned. *Hist. of His Own Times*, vol. i. The duke’s mother is said to have dealt much with mountebanks, and “her fame had no great savour.” Wilson, p. 790. Without giving any opinion upon the point, we may observe, in order to remove the ridicule which may arise in regard to the plaister, that if we may credit the highest authority upon this point, there are several poisons which operate fatally by external application, such as prussic acid, &c. See *Male on Poisons*, or *Juridical Medicine*, 2d. Ed. But the posset is the most important feature of this case.

diary of his embassy with any view to publication, and he declares that he was careful not to speak reproachfully of any one, not even of an enemy, regarding whom the queen made inquiries.

The spirit of liberty had risen during the reign of James, as well by the injudicious attempts to restrain it, as by the natural progress of society ; and Charles ascended the throne when the people were still more disposed to assert their rights than at the accession of his father ; yet, as they anticipated a better system under him, and were attached to his person, he succeeded with the fair prospect of governing with their love. The prejudice in favour of a young prince had been, in his case, greatly confirmed by circumstances that seemed to deserve it. Though his misfortunes, and the effects produced by the supposed authenticity of the Eikon Basilike, have led writers into an erroneous idea of the extreme purity of his private conduct, his morals were not stained to any great degree with the irregularities incident to youth in his high sphere*.

Accession
of Charles,
and senti-
ments of
the people.

* “ *Castimoniam tu ejus continentiam laudes,*” says Milton, in his Defence of the English people against Salmasius, “ *quem cum Duce Bucchingamio flagitiis omnibus co-opertum novimus? Secretiora ejus et recessus perscrutari quid attinet, qui in theatro medias mulieres petulanter amplecti, et suaviari, qui virginum et matronarum papillas, ne dicam cætera, pertractare in propatulo, consueverat?*” Surely it will not be believed that the great Milton either could or durst invent all this when detection was so simple. Pro Pop. Ang. Def. C. 4. Symmons’ Ed. vol. v. p. 106. Should that great man’s veracity be doubted, however, we have other and altogether unquestionable authority upon the subject. Lord Spencer writes thus to his wife, a daughter of the Earl of Leicester, from the camp at Shrewsbury, for

The reserved gravity of his deportment, though it afterwards raised up great enemies against him, presented so suitable a contrast to the loquacity of his father, as well as to the disgusting familiarity shewn by that monarch to his favourites, that, at first, people augured favourably of so opposite a disposition. Indeed it is probable that his pride increased with his years. Educated in England, he was regarded with the usual predilection for a native who succeeds a foreigner, while the Scots fondly cherished the remembrance of his birth and extraction. But it was his misfortune to poison the springs of affection and confidence, on his very entrance into public life. The popularity redounding to him and Buckingham from the breach of the Spanish treaties, could not outlive the discovery of the truth, and Bristol was now at hand to contradict their statement, and establish his own. In the case of Buckingham, the public sentiment had suffered violence in being suddenly converted from habitual hatred and scorn into something like esteem; and proportionally strong was the reflux, when it was discovered by what hollow means a momentary popularity had been obtained. A contradiction to a rooted opinion is ever received with difficulty, and, when it is perceived by what false means the mind has been seduced

he joined Charles whenever he took up arms,—“ I never saw the king look better; he is very chearfull, and by the bawdy discourse, I thought I had been in the drawing-room.” *Mems. of the Sidneys*, vol. ii. p. 668. Chaste discourse became a prince who went out to fight for religion.

from its former conviction, displeasure against the object is augmented by the implied insult to the understanding, and by shame at having been imposed upon—which vents itself upon the impostor. Other causes of dissatisfaction were added ; disappointment in the expedition for the relief of the Palatinate, waste of the public treasure, together with the part he had acted in bringing about a marriage with a daughter of France. But, as Charles had concurred in the favourite's relation of Spanish affairs, and had eagerly adopted that minion's views in all national matters, he necessarily shared the odium. Nor could he complain with justice of the bitter fruits of his own misconduct, in permitting himself to be led by a vicious servant, and departing from truth to assist that servant in an imposition on the kingdom. It is true that he was, in all probability, to a certain extent, himself deceived in regard to the sentiments and intention of the Spanish court. But when he was unequivocally detected in misrepresentation, men were not apt scrupulously to inquire into the absolute extent of his insincerity ; and as he sought, with unaccountable eagerness, to identify his interest with the favourite's, he prevented them from measuring the respective guilt of each. Confidence in his candour was thus shaken, and, by admitting Buckingham into an admired intimacy and dearness, to use the language of the times, he proclaimed a purpose of governing by the same maxims as his predecessor ; and therefore succeeded no less to the discontent and jealousy that had accompanied the last mo-

narch, than to the throne ; thus blasting at once all the fond anticipations that an affectionate people were disposed to foster. To these causes of jealousy and discontent, was superadded religion. It was heard with grief and astonishment, that the credit given to the professions of the prince on this subject was unmerited, as he had, during his residence in the Peninsula, consented to sacrifices which bespoke no attachment to the established persuasion of his country ; and his hasty marriage with Henrietta Maria of France, attended with great indulgence to her creed, and secret articles in favour of catholics, which were immediately acted upon by a suspension of the penal laws against that obnoxious body, seemed to verify their fears. Nor was the general apprehension slightly augmented by the protection and promotion of churchmen, whose doctrine approached to the Romish, and was fraught with the same political tendency. When it was perceived that the system pursued in the last reign, of rendering the church subservient to the views of the court, by which religion was degraded into an engine of royalty, was to be adopted on higher ground in this, the continuance likewise of a counter-union, composed of what were reproachfully denominated puritan principles with a spirit of freedom, followed. The intrepidity that encouraged an appeal to the common source of the Christian faith against the dogmas of ecclesiastics, dictated bolder sentiments on politics, and when a plot to dragoon men out of their religion, in order to delude them into acquiescence with arbi-

trary power, became manifest, it inspired a resolute tone of resistance. The feeling, too, could not be confined to those who considered the abstract tenets of importance in themselves. Generous minds scorn the idea of having a creed obtruded on them ; and all who sincerely desired to oppose the unconstitutional proceedings of the court, naturally strengthened themselves with the alliance of a party that agreed with them in politics, and, from suffering under one species of oppression, could safely be relied on as determined auxiliaries. The former, indeed, were bound on principle to espouse the cause of this injured body, as an integral part of that grand one in which all the independent members of the community were interested to co-operate. In this manner, the popular favour which beamed upon Charles at the close of the last reign, was almost immediately converted into distrust.

The espousals with Henrietta were rather inde-^{The king's marriage.}cently solemnized by proxy in France, with great pomp and at vast expence, before the obsequies of James ; and on the 22d of June she was conducted by Buckingham to England. Charles met her at Dover, and she then made a confession and a request, indicative of a temper very opposite to that imperious one which, in no small degree, contributed to the subsequent calamities of her husband. She told him, that, from her inexperience, as well as ignorance of the manners of England, she might commit errors ; but that she would be always ready to acknowledge and amend them when she was apprised of her faults ; and that she

hoped he would employ no third party to inform her of them *.

Church af-
fairs.

Church affairs were an early subject of consideration in the cabinet. Bishop Laud, who, in the late king's time, had delivered to the duke a little book about doctrinal puritanism, now also gave him a schedule, containing the names of ecclesiastics under the letters O. and P.; O. standing for orthodox—P. for puritan; in order that it might be shewn to the king, and preferment, of course, confined to the former †. Thus early was digested that exclusive system of Church policy, which afterwards produced such memorable effects. While measures were devised against the puritan party, under which were comprehended, in the Court-register, all who refused to subscribe to every doctrinal innovation of the king and bishops, together with those that were known merely as defenders of the political rights of the people; an indulgence contrary to the laws, was extended to the catholics. In favour of that obnoxious body, private articles to this purpose were agreed to in the treaty of marriage: That both ecclesiastics and laymen imprisoned since the last proclamation should be set free; that English catholics should be no more molested on account of their religion, and that their goods seized after the proclamation should be restored. As an earnest of the promised indulgence, a special pardon was granted, on the 16th of May, without the formality of a conviction, to many Romish

* Rushworth, vol. i. p. 170. † Id. vol. i. p. 167. Laud's Diary.

priests, of all offences committed by them against the penal laws. To the feelings of that age, however, another circumstance was perhaps more annoying—the erection of a chapel at Somerset-house, for the queen and her family, with adjoining accommodation for Capuchin Friars, who were placed there, and permitted to walk abroad in their religious habits. “Thenceforward,” says Rushworth, “greater multitudes of seminary priests and Jesuits repaired into England out of foreign parts *.” In our times, the prejudice against catholics is as little creditable to the heart as to the head. But men are the creatures of circumstances, and at the period of which we are treating, the religious parties throughout christendom were actuated by feelings of which the enlightened part of society in our age can form but a faint conception. Measured by the standard of their own age, the English protestants were guided by no superior degree of intolerance. But, with the view of lowering the people, and exalting the king, the temper of the former has been ascribed to peculiar bigotry—that of the latter to more enlarged notions; whereas the indulgence on the one hand, and no small part of the intolerance on the other, flowed from a very different source. Indeed the defence set up for this monarch, on the head of religion, is destructive of itself. His illegal indulgence to catholics is attributed to liberal views—his illegal intolerance towards all who would not embrace even his inno-

* Rushworth, vol. i. p. 169 and 171. Hacket's Life of Williams, part. ii. p. 6.

vations, to piety. The indulgence sprang from the desire of cherishing the acknowledged devotees of arbitrary power, and presented a melancholy contrast to the rigorous treatment of the puritans in consequence of their opposite political tenets. Hence, men detesting the principle on which it was granted, earnestly opposed it; hence they beheld with indignation, which, to a certain extent, raged against the favoured body—a religious party indulged contrary to law, merely from the supposed servility of their political creed, while themselves were persecuted with daily increasing rigour. Besides, they conceived, with justice, that every mark of favour to that obnoxious party, every publication of high-church doctrine, was a prelude to some fresh disaster to themselves. They, by their apparent intolerance, therefore, resisted the approach of an evil which they perceived was calculated to try the national pulse, and, though diminutive at the time, would swell to the most alarming height, unless encountered with seasonable opposition.

The young king and Buckingham, for that minion's ascendancy continued unlimited, pursued their purpose of a Spanish war with unabated fury, though it soon appeared that they had overcalculated the popular favour upon which their hopes of success were chiefly founded. The inveterate national antipathy to a match with Spain was so gratified by a breach of the treaty, that the prince easily obtained credit to the statement of the cause, and a happy reign was prognosticated from this

early indication of character. But the people were quickly undeceived, and the almost immediate treaty for a marriage with a daughter of France farther convinced them that Charles little participated in their religious sentiments. Even their ardour for the recovery of the Palatinate, the main object with them in the war, though reckoned a subsidiary one by Charles and his favourite, began to cool after the disgraceful miscarriage of the expedition already alluded to, as they despaired of success from the incapacity of the administration. But discomfiture had a contrary effect upon the king and the duke, whose glory became by it more deeply interested in the issue; and while they did not mitigate their rage against Spain, they levied fresh troops, (in the transporting of which martial law was proclaimed to prevent disorders,) for the recovery of the Palatinate*, and formed alliances to co-operate with them on the Continent. A confederacy was entered into with France, Holland, and Denmark, of which England was the head; and had matters even then been conducted with sagacity and firmness, the union of such powers with the German Protestants must have been overpowering: but it was the fate of this monarch to be uniformly unsuccessful in his foreign undertakings.

Such was the king's passion for the war, that he entertained the design of re-assembling the old parliament to obtain speedy aid, and was, with difficulty, dissuaded from so unprecedented a mea-

* Rush. vol. i. p. 168.

sure. But, though he yielded so far to the advice of his council, he, happily for the kingdom, could not brook the delay corruptly enjoined by the Lord Keeper Williams, to afford his adherents the accustomed opportunity of dealing with the different towns, boroughs, and shires, to nominate representatives to promote his views *; and, therefore, in all probability, met the fairest representation which had occurred during the dynasty of his house.

A parlia-
ment.

Parliament had been summoned for the 14th of May, but was prorogued on account of the marriage till the 31st, and afterwards till the 13th of June. It assembled then in the metropolis at an awful juncture, as one of the most dreadful pestilences ever known in the nation raged at that time †,—a circumstance which excited a suspicion that the motive for bringing them thither at such a season, was to take advantage of their alarm for their personal safety by a hasty demand, which it was imagined that, to avoid the danger attending their residence in town, during the time necessary for investigation, they would grant, without the bitter accompaniment of an inquiry into grievances or the causes of the war, which had been resolved upon with Spain. The business was opened by his majesty in person, who told them that their attention was not called to

* Hacket's Life of Williams, part ii. p. 4.

† Rush. vol. i. p. 171.

any new business, but one which had been entered upon in his father's reign with their own advice ; and he trusted they would be as liberal in maintaining, as they had been ready to advise the war ; that the work was in itself of so just and glorious a nature, that his late majesty might appear to some backward in beginning it ; but that this proceeded from his great wisdom, which rejected an undertaking till he were assured of the means of conducting it to a happy termination : yet, that when he perceived how greatly his confidence had been abused, and was confirmed in his opinion by parliament, his preparations sufficiently testified his alacrity in the cause. Charles then reminded them that he was employed by them to persuade his father to break off the two treaties on foot with Spain ; and he expressed a hope that, as he had not entered upon the war a free unengaged man, this, his first undertaking, would not fail through the want of their assistance, which he expected a sense of their own danger from the plague would teach them the propriety of granting speedily. He concluded, with observing, in order to remove the jealousy which had begun to possess men's minds about his religion, that some might suppose, and malicious persons had circulated, that he was little attached to the national faith ; but that he could say, though he would not arrogate the rest, that he had been educated under Gamaliel's feet, and they might be assured of his zeal and fidelity. The declaration was unproductive of any great effect.

The subject of supply was taken up by the lord keeper where the king broke off. He told the house that the subsidies granted last parliament were all expended, of which an account should be rendered, together with as much more of his majesty's revenue; and stated, first, that his majesty expected they would bestow this meeting, which must be necessarily short, upon *his*, or rather *their* actions, (thereby intimating, that by advising the breach of the treaties, they had made the war their own,) and that he pledged himself to permit them to reassemble in the winter as early, and for as long a period as they chose, to settle domestic business: Secondly, That, if subsidies should be thought too tardy a mode of raising money, the king desired to hear, not propound, the way*.

The temper of the commons by no means corresponded with the expectations of the king. Their having been summoned to the metropolis at so calamitous, and dangerous a season, which prevented them from continuing above a few days together; the promise of rendering an account of the last subsidies which, as the money was to be expended by commissioners nominated by parliament, recalled to their minds the deception that had been practised; the hint about a new way of raising money, importing the expectation of an unusual grant, and the desire expressed from the throne that they should confine themselves to the

* Cobbet's Parl. Hist. vol. ii. p. 1. *et seq.* Old Par. Hist. p. 345. *et seq.* Rush, vol. i. p. 171. *et seq.* Sanderson's Charles I. p. 7. *et seq.* Franklyn, p. 108. *et seq.* Hacket's Life of Williams, pt. ii. p. 8. *et seq.*

mere object of providing for the wants of the crown, and trust to the sovereign's generosity, for an opportunity to re-assemble afterwards for domestic business, were not calculated to allay the jealousy which other circumstances had engendered. It is so obvious, so generally admitted a principle, that the national security for frequent meetings of the great council, and all the liberties of the people, depend on the wants of the crown, that we should not have deemed it worth a remark, had it not been for the denouncement of the exercise of the power arising from that source, as an undutiful capitulation with the sovereign. Had the commons, therefore, resigned the authority thus vested in them by the constitution, and been satisfied with the promise of being allowed to meet at a future time to provide against domestic grievances, of which the kingdom complained, they would have betrayed the cause of their constituents, and proved themselves unworthy of the name of a legislative assembly. Past experience, as well as the events of a few months, or rather weeks hence, demonstrated that their future meeting would have endured no longer than while their measures were agreeable to the monarch, and that the royal assent would not have been obtained to one bill of public utility which did not correspond with his own particular views : in other words, that the mere will of the prince would have been substituted for the authority of parliament. This assembly, however, was not of a description to fall

into such absurd policy, by complying with so presumptuous a demand, and the favourite's hopes were equally irrational. He had flattered himself that the general zeal for the recovery of the Palatinate, and indignation against Spain, (the offspring, partly of fear from the apprehended consequences of the intended match, and more of mistake from his false statement*,) together with the first burst of affection for a young king, the alleged necessity for a speedy and effectual supply, and the danger of a long session at such a sickly season, would blind the commons to the result of an inconsiderate and extraordinary grant; but there existed too much penetration and firmness in that body, and the truth had been too clearly discovered, for success in such a scheme, and, as the plot to take them by surprise was perceived, it unavoidably recoiled upon its projectors.

The subject of grievances having been early broached in the lower house, it was remarked by Sir Edward Coke, that, at so early a period of this reign, there could yet be no ground for complaining of new grievances; and, therefore, that there ought to be no committees for grievances; but that as those of the last reign continued, and the petition of the last parliament had been preferred too late to receive an answer from the throne, they ought to resume that business where it had been left, since though the prince, to whom the complaint was made, was dead, the king lived, an interregnum being inconsistent with the princi-

* Hacket's Life of Williams, part ii. p. 5.

ples of the constitution *. This course was equally prudent and expedient, being calculated no less to prevent soreness to the new monarch than to remove the evils ; and here, we may remark, that one of the grievances complained of to parliament by the merchants and by the commons to the king, was an illegal imposition upon wines, which yielded annually L.80,000 ; an imposition so oppressive, that the merchants declared its continuance would make them abandon their trade. Another party pressed for an account of the last subsidies granted for relief of the Palatinate ; a third called for the execution of the laws against seminary priests and Jesuits, together with such as resorted to ambassador's houses : and a petition, drawn by Sir Edward Coke, on religion, and another for a general fast on account of the plague, were transmitted to the lords for their concurrence, before being presented to the throne †.

It was argued, on the ministerial side, that the chief cause of the calamities which had attended the last reign, had arisen from "distastes" (disagreements) between the king and the parliament ; and that the first approach to a reconciliation had been given by his present majesty, then prince ; an event from which had accrued greater benefit to the subject than had been experienced for a hundred years, (probably the breach of the treaties

* Cob. Par. Hist. vol. ii. p. 6. † Old Par. Hist. vol. vi. p. 351, Rushworth, vol. i. p. 173.

† Rushworth, vol. i. p. 173, 174. Old Par. Hist. vol. vi. p. 354, 355. Id. p. 351. Cob. P. H. vol. ii. p. 6.

with Spain was meant :) That, from this, as well as his good natural disposition, his freedom from vice, his conduct during his travels, and his having been bred in parliaments, the happiest augury might be formed of his reign ; and that they ought to confirm this by measures “ to sweeten all things between king and people, that they might never afterwards disagree.” The commons steered a laudable course, moderately pressing grievances without losing sight of due respect for the king, and, “ as the first-fruits of their love,” voted a supply of two subsidies.

Charles granted a general fast, and returned a gracious answer to the petition upon religion. He also thanked the commons for the manner in which the supply had been voted, as it had proceeded from pure affection, without having been first moved by his proper officers ; but he intimated that it fell far short of the sum required by the exigency ; and he expressed a hope, mingled with surprise at the previous proceedings, that they would not interfere with the new imposition on wine, since it had been set by his father for the support of the prince Palatine and his family, and was necessary for that purpose. It need scarcely be observed that, on the same principle, any other tax might have been imposed, and the legislature superseded *.

Though the grounds of disagreement were easily discernible in these matters, yet it was on a case now

* Journals, 8th July, p. 807.

brought before the commons, that Charles unfortunately displayed that stiffness in supporting his servants, and those principles of religion which the kingdom at large so greatly disliked.

At first sight, no two things appear more unconnected than the Arminian tenets, about free-will, predestination, and grace, and the principles of passive obedience. But, besides that nothing can be unimportant in religion, and that it is as irrational in regard to his own interest, as unjust towards the people, for a prince to tamper with the national faith, it may be observed that it is the misfortune of mankind to intermingle with their temporal affairs and prospects, points the most abstruse and seemingly foreign to them, by which the hopes and fears of the first, inflamed with pride and the other passions attending disputes, are communicated to the last, and rage with augmented fury from being cloathed to the votaries themselves, with the semblance of principle, since, instead of being checked by a liberal intercourse with the world, they gather accumulated force from sympathy. Thus the silly disputes between the nominalists and realists were productive of sanguinary dissensions and inhuman cruelties; and the Arminian tenets themselves had in Holland been accompanied with memorable consequences, which were afterwards felt in England. At the outset, James had protested keenly against the doctrine (a course likewise pursued by the Prince of Orange, as it was the doctrine maintained by the party who opposed him,) and had even declared the author worthy of fire. But it was, in process of time,

Montague's
case.

adopted by the leading clergy of England, and incorporated with other tenets approaching to the Romish ; and, it must be confessed, that they acted with consistency, as it is impossible to reconcile the power of absolution, which they arrogated, with the principle of predestination. Though, therefore, it is possible that the mere broaching of the abstract points, might have excited little alarm, yet when it came, accompanied with power, and with what the people most dreaded, the restoration of the Catholic tenets, when so vast a degree of importance had been communicated to the doctrine by the flame which it had raised in the Low Countries, and it was seen that, in Holland, the Arminians, to use the language of the English throne a few weeks hence, “ inclined to the papists rather than to their own safety ;” the opposition of the people was naturally commensurate with the keenness of the clergy, because they viewed the merits of the dispute through all the circumstances with which it was invested. One of the chief champions of the high-church doctrine, which now included Arminianism, was Mr. afterwards Dr. Richard Montague, private chaplain to the king. He had, towards the close of the late reign, published a book which had been brought under the review of parliament, and committed by the commons to the censorship of Abbot Archbishop of Canterbury, supposed to lean to the popular party, who marked his disapprobation of the work by admonishing the author. The bishops of the Arminian party, however, not being inclined

lightly to abandon their principles, advised Montague to write a defence of his production, which they promised to attest by their joint authority; but, with a meanness no less deplorable than the advice was, to say the least of it, impolitic, they subtly withdrew their names, leaving Dr. Francis White, as he often complained, to appear alone as the abettor of the work*. Abbot forbade the publication of the defence, and endeavoured to suppress it; but it was published in spite of his orders, and dedicated to King Charles himself, with the view of striking terror by the authority of such a patron, and engaging him to declare in favour of that party at the very opening of his reign.

As this has been pronounced by a great historian, a very moderate book, which gave offence, merely because it maintained that catholics might be saved, it becomes necessary to present a brief view of the principles, &c. which gave offence: That the church of Rome is "*vera Ecclesia Christi et sponsa Christi, et eodem fundamento doctrinae et sacramentorum nititur*:" That he "respected Bellarmine," (the great champion of the papal supremacy,) "but slighted Calvin, Beza, Perkins, Whitaker, and Reynolds: That "he much discountenanced God's word, disgracing of lectures and lecturers; of preaching itself, of which he says, prating, preaching, and lecturing; yea, even of reading the Bible," regarding which he observes, that "never a saint-seeming, bible-bearing, hypocri-

* Rushworth, vol. i. p. 173.

tical puritan, was a better patriot than he." The committee of the commons farther report, "that the whole frame of this work is a great encouragement of popery: in maintaining the papists to be the true church, and that they differ not from us in any fundamental point. If, therefore, they hold us heretics, and not to be saved, and we hold the contrary of them, who will not think it safer to be in their church than in ours? The papists read and commend this book, and commend it to others to read, when they endure not the reading or having our books," &c. These, however, may not be thought the most exceptionable parts of Montague's doctrine: He maintained that images might be used for instruction and as excitements to devotion; and, in a treatise, concerning the invocation of saints, he affirmed, and maintained, that saints have not only a memory, but a peculiar charge of their friends, and that it may be admitted that some saints have a peculiar patronage, custody, protection, and power, as angels also have, over certain persons and countries by special deputation. The real presence, the sacrament of orders, signing with the sign of the cross, confession and absolution, also, formed part of his tenets *. Having given a proof of the principles complained of by the Commons, we shall present a sample of his moderation:—
 "The committee think there is enough in this

* Heylin's Life of Laud, p. 152. *et seq.* Cob. Par. Hist. vol. ii. p. 6. Old Parl. Hist. vol. vi. p. 353. Journals of the Commons. Rush. vol. i. p. 209. *et seq.*

book to put a jealousy between the king and his well-affected subjects. He says, there are some amongst us who desire an anarchy, *and means the Puritans, whom yet he hath not defined.* He plainly intimates that there are Puritan bishops, which, the committee conceive, tended much to the disturbance of the peace in church and state." Besides these, there were various minor points objected to, as the contempt expressed by him for the Synod of Dort, so highly honoured by the late king, &c. and the house resented his contumacy in repeating an offence which they had formerly checked, as well as in attacking two individuals, Yates and Ward, whom it had taken under its protection, and whom, though they had subscribed the articles, he denominated Puritans in their hearts *.

* Cob. Par. Hist. vol. ii. p. 6. 11. Old Par. Hist. p. 353. 362. Rush. vol. i. p. 173, 209. *et seq.* Heylen's Life of Laud, p. 135. This author tells us, that Yates and Ward charged as popish, doctrines which, though they "held some correspondence and agreement with the church of Rome, were determined by the English church, 'as, the doctrine of the perpetual visibility of the church of Christ, the local descent of Christ into hell, the lawfulness of images, signing with the sign of the cross, confession and sacerdotal absolution; the real presence, the reward of good works, the sacrament of orders; quarrelling even with the very words sacrifice, altar, and the like. All which, upon a perfect examination, will be found to be the genuine doctrine of the church of England.'" "They also charged as Popish," says he, "things not determined by the church, but left to every man's own opinion; as the disputes concerning evangelical counsels, antichrist, and limbus patrum, of which the church of England hath determined nothing." P. 126. Now, what was the light in which the high clergy, Laud and others, viewed opposition to Montague's doctrine? They complained to the favourite,—a strange patron of the church,—and stated, 'We must be bold to say that we cannot conceive what use there can be of civil government in

Resolutions were entered into by the Commons, in conformity with the report of the committee, and Montague was bound in a recognizance of L.2000, to answer at the bar of the house, to the charges against him. In ordinary prudence, Charles ought not, particularly on so delicate a subject, to have interfered with their proceedings, till they were submitted to his review in proper form: but it was his misfortune at all times, to conceive that his own character and interests were involved in those of his servants, and thus invariably to disappoint the people in their attempts to distinguish the personal qualities of the one from the acts of the other. He therefore sent a message to the Commons, informing them, that Montague was his chaplain in ordinary; that he meant to take the case into his own consideration; and doubted not, by his manner of treating it, to give them satisfaction. The politeness of the message could not conceal the command which it implied; and the house felt indignant at a proceeding which was deemed an infringement of its privileges.

The spirit which actuated the Commons against Montague, appears to be inconsistent with the liberty of the press and the freedom of discussion, which have been attended with such valuable consequences. But it ought never to be forgotten, that the privilege of public discussion was denied

the commonwealth, or of preaching in the external ministry of the church, if such fatal opinions as some which are opposite and contrary to those delivered by Mr. Montague, shall be publicly taught and maintained." P. 137. Cabala, p. 156.

to the popular body, and that, consequently, by permitting the publication of books which they were not allowed to answer, they connived at the triumph of their enemies, as well as at the diffusion of their doctrine. Besides, men must, in justice, be tried by the standard of their own times; and in that age, and for long afterwards, the public mind was in too high a state of agitation to brook the free discussion of the disputed points betwixt catholics and protestants. This proceeded from no superior degree of intolerance in Englishmen, who, with the exception of the Dutch, were perhaps the most exempt from it of any Christian nation. This, however, is a narrow view of the subject. Had an obscure individual written to the same effect, his works might have escaped censure. But Montague, as the private chaplain of the king, and abetted by the ecclesiastics highest in court favour, was regarded as the organ through which the royal creed was promulgated to the nation; and as his works breathed intolerance and persecution, the people anticipated thence the systematic adoption of those innovations which were afterwards so violently obtruded upon the kingdom.

The Commons had begun to enter on other business when the violence of the plague made the members so uneasy at Westminster, that they resolved to apply to the king for a short recess; and as the upper house joined them in an application, Charles granted their request; but he intimated his intention to reassemble them soon for the sup-

Recess of
parliament.

port of the war wherein they had engaged him, which could not be carried on without money.

Loan of
ships to
France, to
be used a-
gainst Ro-
chelle.

The unhappy jealousy already entertained of the court was greatly augmented by a circumstance which occurred during the recess. The late king, a little before his death, had, during the treaty of marriage, promised a loan of ships to France, to be employed against the Spanish interest in Italy and the Valtoline; but suspecting afterwards that the real object of the French monarch was to use them against the huguenots of Rochelle,—a proceeding which could not fail to rouse the indignation of the British,—he, to prevent such a breach of faith by any seduction of the mariners, issued orders that the several crews should be composed almost exclusively of Englishmen, whose fidelity to their country, and obedience to their commanders, were firmly relied on. Buckingham, however, who was from the beginning apprized of the French king's purpose, had resolved to promote it in opposition to the commands of his master; and, as Charles was no less forward in the business than his minion, the death of James removed every obstacle from the throne. But the feelings of the owners, commanders, and their respective crews, presented a difficulty to the execution of the project, which, as it was hopeless to remove it either by the direct authority or secret influence of the crown, the king and his favourite determined to overcome by stratagem. The fleet assigned to this service consisted of seven merchantmen, and one ship of war called

the Vanguard. The merchantmen having been first impressed into the English service, were urged to enter into that of France, upon the assurance of being employed against the Spanish interest, then so hateful to England. But, after matters had been arranged upon this understanding, instructions were secretly given by the duke and the French ambassador, to draw the contracts in general terms—that they should serve against any country except their own; from the hope that the owners and commanders, unsuspecting of a snare, might overlook the generality of the expression in the rubbish of technicalities with which legal instruments are loaded, and thus be bound to the performance of conditions which they would have rejected with abhorrence. In this, however, Buckingham and his coadjutors had over-calculated their own dexterity; for the owners and commanders detected the fraud, and demurred to terms, under the colour of which they might be trepanned into so odious a service. But in the sequel he was more successful. Affecting to anticipate their apprehensions, he privately instructed Pennington, the admiral, neither to serve against the huguenots, nor, lest any undue advantage should be taken, to permit more Frenchmen to enter the ships, than the crews could master. Pennington was deceived; and having communicated the effect of his instructions to the respective owners and commanders, whom this specious conduct likewise imposed upon, they no longer hesitated to sign and seal the contracts. But on their approach to the

French coast, they discovered the plot against them, and they determined that the general words, should not prevail over the honest understanding of the contract. The Vanguard, trusting to her strength, entered Dieppe; the rest, to prevent a surprise, lingered behind, resolved rather to be sunk than engage in what appeared to them so unnatural a service. At this juncture, the French used every engine of seduction for the attainment of their object; but, from the admiral down to the meanest sailor, not a man was found capable of deserting the cause of his religion. The crew of the Vanguard itself wrote what is called a round robbin against the service, and laid it under the Bible of their admiral, whose sentiments accorded with their own. In the mean time, he received letters from the duke, and a warrant in the king's name from Conway, the secretary, to surrender the ships to the French government. But, as he was commanded at the same time not to desert his charge, he was willing to conclude, that if the crew positively persisted in their present resolution, he was absolved from performance, since it never could be his majesty's intention to leave him there alone. The French, who saw through the motive which dictated this construction of the letter, laboured to overcome it by the offer of a pension, and other great rewards. When, however, the generous disdain of the English admiral, at their attempt to corrupt his integrity, convinced them of the impracticability of attaining their purpose in that way, they took a

protest against him, as a traitor to his country ;— a proceeding which so enraged the sailors, that they instantly heaved anchor, and sailed for the Downs, declaring that they would rather be hanged at home, than be slaves to the French, and fight against the adherents of their own religion.

Arrived in the Downs, Pennington wrote to the duke for farther instructions, but complaining bitterly of the service, and assuring his grace that the mariners would rather be hanged than return to France. At the same moment, ambassadors, dispatched from the Duke of Rohan and the rest of the huguenots, implore the king and council against lending ships for their destruction, and receive fair answers from both : But orders, nevertheless, are sent to Pennington to return instantly to Dieppe and surrender the vessels ; and to compel the merchantmen, even to sinking, to accompany him. Lest, however, in the present temper of the fleet, strong measures might prove not altogether expedient, a report, calculated to remove every objection to the service, was industriously circulated—that peace had been concluded between the French king and his protestant subjects : but the delusion could not last, and the commanders of the merchant-vessels tried to escape. One of their number, Sir Ferdinando Gorges, was successful in his attempts to sail off ; the rest were fired at by the Vanguard and kept in check. The ships were, therefore, surrendered ; but with the exception of one individual—a gunner, who, in the very act of charging a gun against

Rochelle, paid the mulct of his baseness, the whole crews magnanimously refused to co-operate with the French court in destroying the friends of their own religion. To the owners and commanders, however, this compulsory surrender of their vessels was fraught with a grievous patrimonial injury, for they obtained no adequate security for the hire, or even restitution of their property*.

The completion of this unfortunate affair occurred about the beginning of August, when parliament met again at Oxford, and Pennington hastened thither to lay before that assembly an account of the proceedings. To prevent the effect of such a disclosure, he was concealed by the interference of the court till the dissolution which quickly followed. But, though the regular and official report was thus withheld from parliament, the circumstances reached it, probably with not a little of that exaggeration which an unsuccessful attempt at concealment generally produces. Nor did it operate as a slight aggravation of the public feeling, that part of the very money granted for the relief of the Palatinate from sympathy towards a protestant state, was understood to have been spent in equipping a fleet to destroy the protestants of Rochelle.

Lord Keeper Williams earnestly dissuaded both the king and his favourite against re-assembling parliament on the first of August: He represented that, as the pestilence had now extended to va-

* Rush. vol. i. p. 174. et seq. p. 322. et seq.

rious parts of the kingdom, the legislature could not meet in safety even at Oxford; and that the members, resenting an unnecessary exposure to contagion, would most probably permit their personal ill humour to affect their public measures: That it was unusual to grant subsidy upon subsidy in the same session, (and this was merely a continuation of that begun at Westminster,) “and it was not fit for the reputation of the king to fall upon the probable hazard of a denial;” and that, farther, he had reason to believe that complaints were ready to be preferred against the duke; but that, were parliament prorogued till Christmas, the ill humour would subside, leisure would be afforded for softening some of the principal members, and in the new session, they would not hesitate to make a new grant. Charles himself appears to have been moved by these arguments, but the duke was inexorable*. He, in all likelihood, persisted in his resolution, from the hope that a strong picture of the necessity for an immediate supply, added to the danger of continuing the session above a few days, would induce the Commons hastily to vote money without entering into an investigation of his conduct, and before they heard of the loan of ships to France for the purpose of reducing Rochelle.

The Commons no sooner met than the subject of religion was broached: The case of Montague was resumed, and Sir Edward Giles, following up

Parliament
reassembles
at Oxford,
1st Aug.

* Hacket's Life of Williams, part ii. p. 13. and 14.

a complaint against the practice of screening popish recusants, produced evidence of six Romish priests having, at the intercession of foreign ambassadors, been pardoned on the 12th of July, the day succeeding that on which the lord keeper had, in the king's name, assured both houses that the rigour of the laws against seminary priests should not be relaxed. When Charles perceived that the Commons, instead of voting money, had entered upon the topic of grievances, he commanded both houses to attend him in the great hall of Christ Church ; that by himself and his ministers, he might have an opportunity of convincing them of the necessity of considering his business first. Having addressed them himself in general terms, he left the particulars to his secretaries, Lord Conway and Sir John Coke, who stated that his present majesty had moved the late king to break off the treaties with Spain, and that they must have then foreseen that a war would unavoidably follow, both for the recovery of the Palatinate and home defence ; and that, in the prosecution of warlike measures, his majesty had already advanced too far to recede with honour, having laboured to compass an offensive alliance with Denmark, Sweden, and the German princes, who had declined to enter into the league, till they actually saw him in the field. That it appeared, by a statement presented to the last parliament of the late king, that the necessary expenditure of the war, the support of an army, and the subsidizing of foreign powers, would not fall short of L.700,000 per an-

num : That, in addition to this, L.300,000 had been required to fit out the fleet, fortify Ireland, and put the forts of England in a military posture ; that the sums already granted had been all expended, and considerable debts incurred ; for that the late king had left debt to the amount of L. 310,000, which continued as a burthen upon the crown, and the present king had, in spite of the strictest economy while prince, incurred debt to the extent of L.70,000, while the expenses of his father's funeral, his own marriage, &c. had increased the amount to L. 192,000 : “ These things,” it was said, “ have called the present parliament hither, and the present charge of all amounts to above L. 400,000, the farther prosecution whereof the king being unable to bear, hath left it to their consultations.” The whole of this sum, however, was not demanded from the Commons : The ministers of the crown moved, in the first instance, for two subsidies and two fifteenths only, or, at the highest calculation, for about L.200,000, payable “ in April and October come twelvemonths,” and they afterwards restricted their demand to two-fifteenths, or about L.60,000, payable at a distant date : Nay, Buckingham himself, in answer to a query of the Commons, when he condescended to vindicate his public conduct, “ whether a considerable sum of money be yet required ?” answered, that L.40,000 were yet necessary ; a clear proof that the statements by ministers, of large sums, were embarrassed with difficulties that ought to have been explained, and that

the Commons were not mistaken in supposing that they had been summoned at so unseasonable a period, to take them by surprise *.

Crooked policy generally defeats itself. Intelligence of the loan of ships for the reduction of Rochelle, had already secretly reached Oxford; and when, in order to gain the present object by flattering the passions, it was stated by the ministers of the crown, that “the French king chose to sheath his sword in the bowels of his own subjects, rather than declare war against catholics †;” it inevitably farther inflamed the indignation which the event itself excited. Indeed a greater insult to the grand council of the nation can scarcely be figured, than such an attempt to impose upon it. The ministers were not more fortunate in their allusion to another topic: That “in the Low Countries the sect of the Arminians prevailed much, who inclined to the papists rather than to their own safety, notwithstanding that the enemy had a great and powerful army near them, so that his majesty was forced to protect and countenance them with an army of six thousand men from hence, with a caution of repayment, and the like supply farther if required ‡.” The allusion to the Arminians of the Low Countries immediately suggested the inconsistent conduct of the execu-

* Old Par. Hist. vol. vi. p. 357. *et seq.* Cobbet's Old Par. Hist. vol. ii. p. 8. *et seq.* Sanderson, p. 13. *et seq.* Rush. vol. i. p. 176. *et seq.*

† See Statement by Lord Conway, and secretary Coke, in Rushworth, vol. i. p. 178, and the other authorities.

‡ Lord Conway's Speech.

tive, which affected to condemn principles abroad that it cherished at home.

The royal address, and the efforts of ministers, failed of effect. The Commons resolved that religion should have the first consideration, public grievances the next, and the subject of supply the last. But, in the mean time, it was observed that necessity was the perpetual reason alleged in all parliaments for supplies; that, in this instance, if it existed, it sprang from improvidence, from frauds in the customs on the one hand, and from old unprofitable offices, and new invented ones, on the other, together with pensions to the extent of L.120,000, lately L.80,000, and, in Queen Elizabeth's time, only L.18,000, the accumulation of offices in one person, and needless waste in apparel, diet, &c. It was argued, that though one parliament had advised a war, yet if matters were managed by contrary designs, and the treasure misemployed, another was not bound to be carried blindfold into measures not matured by sound counsel; and it was observed that, if the public money were misemployed, so was it unwarrantably raised, by the sale of offices, including places of judicature, for which about L.140,000 had been given, by baneful monopolies, and by illegal customs, while the protection of commerce, the only principle on which customs were eligible, was so neglected that Turkish, as well as French pirates infested the very coasts, and, without molestation, captured vessels in the sight of land: That, what was become of all the money raised by the act

of resumption of the crown lands? That, in the present pecuniary embarrassment of the crown, pensions should cease; and that, in a contest for his brother-in-law's inheritance, the king himself should contribute towards the war, which, by the sale of useless forests, &c. he might easily accomplish: But that it could not be conceived how money payable at so distant a date, could supply the present wants, in regard to fitting out the fleet for an immediate expedition. It was moved that inquiry should be instituted into the object of the newly prepared fleet and army, as no enemy had been declared, and as to whether the duke did not break the match with Spain out of malice to Olivarez, and conclude the other on still harder terms, and whether the ships employed against Rochelle were not fitted out from the subsidies granted for relief of the Palatinate *?

To divert the Commons from this course, and sooth them into compliance with the demands of the crown, Charles, at their desire, gave a full and distinct answer to their petition on religion, which he had formerly graciously received; and Buckingham himself plausibly explained the measures pursued by him, particularly in respect to the fleet; regarding which he observed that the enemy might easily be surmised, and would instantly be proclaimed when the fleet was ready to put to sea. But these failed to alter the resolution

* Rushworth, vol. i. p. 179. *et seq.* Old Parl. Hist. vol. vi. p. 363. *et seq.* Cobbet's Parl. Hist. vol. ii. p. 11. *et seq.* Journals, p. 810. *et seq.*

of the Commons, and the king sent to them a message on the tenth day of their meeting, and the sixth after the address from the throne, intimating that neither his necessities brooked delay, nor the pestilence their continuing longer together: That if they granted a supply now, they should meet again at Christmas; but that, if they declined to gratify him in the first request he had ever made, and spent their time in fruitless debates, he would take that care of their healths which themselves neglected. Ministers now restricted their demand to two fifteenths, payable at a distant date, and amounting to about L.60,000; but it was answered that the wants of the crown must be inconceivably great if the parliament were summoned at so calamitous a season for such a paltry sum; and that the object was not supply, but to obtain a precedent for repeated demands in one session; for that money, payable at a distant period, could not be employed in the immediate service of the fleet; and, as to its being taken up on credit, surely the credit of the crown was not sunk so low that it could not raise L.40,000,—the sum alleged to be yet requisite for the present exigencies. Admitting, however, the wants of the crown to be as great as they were stated to be, they ought only to operate upon parliament as an additional incitement to seize the favourable juncture for insisting on a reformation of the government; and it was remarked, in the course of the debates, that this was no capitulation with the sovereign, but an ordinary parliamentary course, without which the common-

wealth could neither supply the king, nor yet subsist. While, therefore, they voted an address, declarative of their readiness to supply the sovereign in all honourable actions founded on sound counsel, they refused to vote away the public money without some assurance of a change of measures; and Charles, who thought “nothing more derogatory to the honour and prosperity of a king of England, than to be cast upon the necessity of calling parliaments, which rendereth them obnoxious to the power and pride of each popular spirit, and makes them less in reputation both at home and abroad *;” who, in fact, conceived the duty of the Commons to consist in apportioning the taxes rather than in granting them, regarded their proceedings as equally presumptuous in them, and dishonourable to him; and having observed that they reflected against some persons near him, particularly the duke, whom he supposed himself bound to protect, he instantly dissolved the parliament;—a proceeding that proved fatal to the future peace of his reign †.

Parliament
dissolved.

The lord keeper, Williams, is said to have exerted all his talents to prevent this rash and ill-advised measure. To the duke he argued thus: “You have brought the two houses hither, my lord, against my counsel: my suspicion is confirmed that your grace would suffer for it. What’s now to be done, but wind up a session quickly? The occasion is for

* Heylen’s Life of Laud, p. 117.

† Rushworth, vol. i. p. 191. Cobbet’s Parl. Hist. vol. ii. p. 36. Old Parl. Hist. vol. ii. p. 402.

you ; because two colleges in the university, and eight houses in the city, are visited with the plague. Let the members be promised fairly and friendly, that they shall meet again after Christmas ; requite their injuries done unto them with benefits, and not revenge ; *for no man that is wise will shew himself angry with the people of England.* I have more to say, but no more than I have said to your grace above a year past at Whitehall. Confer one or two of your great places upon your fastest friends, so you shall go less in envy, and not less in power. At the close of the session declare yourself forwardest to serve the king and commonwealth, and to give the parliament satisfaction. Fear them not when they meet again in the same body, whose ill affections I expect to mitigate. But if they proceed, trust me with your cause when it is transmitted to the house of Lords, and I will lay my life upon it to preserve you from sentence or the least dishonour*.” Unluckily for the worthy prelate’s intercession, he was, notwithstanding the most inconceivably abject professions of unbounded devotion, at that very moment suspected of intriguing with the leaders of opposition for the duke’s impeachment—a suspicion which does not appear to have been altogether groundless, and which the duke would the more readily believe, because he happened to be engaged in a similar plan for the ruin of the bishop, as a return for his supposed

* Hacket’s Life of Williams, part ii. p. 16.

treachery during the favourite's absence in Spain * ; it is not wonderful, therefore, that Buckingham should have descried, in the advice to expose himself to trial, a plot for his destruction, and should have replied, “ ‘ I will look whom I trust to ;’ and flung out of the chamber with menaces in his countenance.” In this he merely acted upon the principle of an excellent maxim of Fielding, “ never to trust the man who has reason to suspect you know he has injured you ;” and whoever has studied the prelate's character will not hesitate to believe that he was prepared to act a double part,—that, had the duke committed his destiny to such hands, the other, could he have promised himself a greater advantage by destroying than saving his benefactor, would not have scrupled in his choice. Failing in this quarter, Williams applied directly to the king, “ imploring him with reasons, with supplications, with tears, to remember a time when, in his hearing, his blessed father had charged him to call parliaments often, and continue them, though their rashness sometimes did offend him ; that, in his own experience, he never got good by falling out with them. “ But chiefly, Sir,” says he, “ let it never be said that you have not kept good correspondence with your first parliament. Do not disseminate so much unkindness through all the counties and boroughs of your realm. The love of the people is the palladium

* Heylen's *Life of Laud*, p. 139. Hacket's *Life of Williams*, part ii. p. 17, 18.

of your crown. Continue this assembly to another session, and expect alteration for the better. If you do not so, the next swarm will come out of the same hive." To this the lords of the council did almost all concur; but it wanted Buckingham's suffrage, who was secure that the king's judgment would follow him against the whole table *." Williams's motives were suspected, and impassioned eloquence only provoked displeasure towards himself, particularly as his exact intelligence of the motions of the opposite party evinced a correspondence with them.

* Hacket's Life of Williams, part ii. p. 16.

The public sentiments may be inferred from the following letter from Lord Cromwell to the duke: "They," (the people) "offer to lay wagers the fleet goes out this year; and that of necessity a parliament must, which, when it comes, sure it will much discontent you. *It is wondered at, that since the king did give great gifts to the Dutches of Chevereux, and those that then went, how now a small sum in the parliament should be called for. And let the parliament sit when they will, begin they will where they ended. They say the lords of the council knew nothing of Count Mansfield's journey, or this fleet, which discontents even the best sort, if not all. They say it is a very great burthen your grace takes upon you, since none knows any thing but you. It is conceived that not letting others bear part of the burthen you now bear, it may ruin you, which heaven forbid.—Nothing is more wondered at than that one grave man is not known to have your ear, except my good and noble lord Conway," &c. Rush. vol. i. p. 195. This letter was from the most devoted servant, who wished all noble thoughts to forsake him when they did not incline to the duke, and desired to see the favourite "trample the ignorant multitude under foot." Ib. Considering the character of Buckingham, and the absurdity of committing every thing to him, is it wonderful that supplies were reluctantly granted?*

CHAP. II.

From the Dissolution of the first Parliament of Charles I. to the calling of the third: containing an account of the Expedition against Spain—The second Parliament—The misunderstanding between the King and Queen; and the French War—with the unsuccessful attempt upon the Isle of Rhé.

War with
Spain, and
compulsory
loan.

THE unhappy termination of the parliament did not divert Charles from his purpose of a Spanish war, which he commenced without the formality of a proclamation; and the supply, in which he had been disappointed from the legislature, was drawn from the people in the shape of a compulsory loan *. Though this measure was not altogether unprecedented, it was directly against law; and, considering the delicate ground on which he now stood, nothing, at such a juncture, could be more imprudent. The annual revenue of the crown, which was fully adequate to the ordinary exigencies, amounted to about L.450,000; and surely, as a little economy might have soon saved out of that the L.40,000 now required, so, unless there had been some unaccountable jealousy of this

* Rushworth, vol. i. p. 192. Whitelocke, p. 2. Franklyn, p. 113.

prince, the sum might have been raised by a voluntary loan upon interest. But if the measure now adopted were generally resented as unconstitutional, the public indignation was augmented by the principle followed in exacting it. Since the king pretended a right to exact the loan, he ought to have applied, by the same officers, to all the higher ranks alike; yet, in conformity with the policy of this family to raise the nobility and clergy as auxiliaries of monarchy, he issued out individual writs to the several members of these bodies*. How far the discontent was allayed by a proclamation, issued with that view, against recusants, we are not informed. From some of the leading papists arms and money were extorted†.

The fleet, consisting of eighty sail, with the addition of twenty from the Dutch, and carrying ten thousand land forces, was now dispatched on an expedition to the Spanish coast; and had the success of this mighty armament, which, for its magnitude, presented a novelty to mankind, been at all commensurate with the most rational expectations, the people might have derived, from the external glory of the kingdom, some comfort for the invasion of their rights. But, in the uniform ill success of his foreign policy, this prince experienced the effects of unsound counsel. Instead

The expedition to the Spanish coast. Oct. 1625.

* See warrant, in Rushworth, vol. i. p. 192.

† Id. p. 194. 246. Cabala, Letter about the Nobility, p. 383. Strafforde's Dispatches, vol. i. p. 28, about the influence of the duke. All offices were filled by his creatures. Warwick's State Papers, vol. ii. p. 10.

of appointing to the command of the fleet Sir Robert Mansel, an officer who had already distinguished himself, and who, from his character and situation, seemed entitled to it, Buckingham nominated Cecil, Viscount Wimbleton, a creature of his own, whom the public voice pronounced destitute of the talent for such an enterprise, and whose every proceeding was characterized by want of plan, and by absurdity. No council of war was called to determine upon the point of attack, till the arrival of the fleet off Cape St. Vincent, when so many clashing opinions wasted the time, that the enemy had leisure to prepare for their reception. The shipping in the Bay of Cadiz was allowed to escape, though it might have been captured almost without resistance, and would have amply requited the expedition both in honour and profit; while, neglecting the advantages of his naval superiority, the commander resolved upon attacking the enemy on shore. The troops were therefore landed, and a fort taken; but the soldiers having fallen upon a store of wine, ran into such excesses, that many were lost; and, had the enemy been apprized of their condition, not a man would have escaped. It was deemed imprudent to trust longer on a hostile shore, a body of men who had thrown off the restraint of discipline; and the commander having ordered their immediate re-embarkment, determined to wait for the Plate fleet, which was daily looked for, and still promised a rich harvest for his labours. But even this design his own mismanagement obliged him

to abandon. The contagion broke out in one of the ships ; and he, more anxious for the recovery of the sick than the safety of the living, ordered the infected to be distributed through the fleet, and thus extended the mischief to every ship. The general sickness then made him conceive it expedient to abandon his plan altogether, and return with dishonour to England. It is said that, had he deferred his return for two days longer, he might have accomplished his object *.

The failure of this grand expedition, as it increased the public discontent on the one hand, so, on the other, by disappointing the prince's hope of plunder, and augmenting his zeal for the war, that he might recover the honour he had lost, it rendered the crown more dependent on parliamentary assistance. According, therefore, to the prediction of wise men, a parliament was summoned ; but, as if past measures had been insufficient to inflame disaffection, others were added at this critical season, when every means ought to have been adopted to soothe the public mind. The coronation was fixed for Candlemas, and on this joyful occasion miscarriages might have been forgotten, and a happy augury of the reign revived, had it not been selected as a fit opportunity to display the principles of the court, and extort money from the subject. Laud, who officiated on the occasion, developed in the following language, the ecclesi-

Coronation.

* Rushworth, vol. i. p. 195. *et seq.* Whitelocke, p. 2. Howell's Fam. Lett. p. 168. Sanderson, p. 18. *et seq.* Franklyn, p. 113.

astical system already determined on. “ Stand and hold fast, from henceforth, the place to which you have been heir by the succession of your forefathers, being now delivered to you by authority of Almighty God, and by the hands of us, and all the bishops and servants of God ; and, as you see the clergy to come nearer to the altar than other men, so remember that, in all places convenient, you give them greater honour, that the mediator of God and man may establish you in the kingly throne, to be a mediator between the clergy and the laity ; and that you may reign for ever with Jesus Christ, the king of kings and lord of lords.” In his prayer for the king, he uses these words : “ Let him obtain favour for the people, like Aaron in the tabernacle, Elisha in the waters, Zacharias in the temple : Give him Peter’s key of discipline, and Paul’s doctrine.” As if even all this had not been enough, an old crucifix, found amongst the regalia, was ostentatiously laid on the table. On the other hand, all possessed of freehold inheritance to the extent of L.40 per annum, were required to accept of the honour of knighthood, and pay the obsolete duties of knight’s fees ; a species of extortion which gave rise to much discontent *.

In order to remove the strength of opposition in the ensuing parliament, a new device was practised,—that of pricking Sir Edward Coke, and six other leaders of the commons, sheriffs, to incapa-

* Heylen’s Life of Laud, p. 141. *et seq.* Rushworth, vol. i. p. 199. *et seq.* Whitelocke, p. 2.

citate them as members of the legislature *. But the device, as shallow as extraordinary, while it provoked a clamour against the court, only increased the popularity of the individuals, and encouraged others to occupy their ground, by the character and importance that it earned. It proved that the king and his advisers laboured under the vulgar error, that a few leading men created the opposition, when in truth it arose from causes which these very men were indebted to for all their consequence, and which merely afforded a field for the exertion of talent that always resides in the community.

Parliament met on the 6th of February, and Sir Thomas Coventry, who had superseded Williams, now in disgrace, as lord keeper, burst forth, in his address to both houses, by order of the king, into a strain of fulsome adulation towards the throne, that will be found to form a striking contrast to the dignified speeches, on similar occasions, by the ministers of Elizabeth, particularly in the early part of her reign. But the oration of Sir Hineage Finch, Speaker of the Commons, on being presented for his majesty's approbation, is, if possible, still more remarkable for the extravagance of adulation, and, while it reflects light upon the character of the times, accorded as little with the principles of the

A parliament, 6th Feb. 1626.

* Rushworth, vol. i. p. 197. *et seq.* Strafford's Letters and Dispatches, vol. i. p. 30.

constitution, as with the real temper of the assembly he represented*.

All men of discernment had foreseen that, as a parliament was inevitable, so it would begin where the last had ended; and the Commons at once verified the prediction, by entering upon an examination of public grievances;—the evil counsellors about the king, misgovernment and misemployment of the revenue, the expenditure of the three subsidies, and three-fifteenths granted in the 21st of the late king, together with the miscarriage of the fleet to Cadiz, &c.; and they resolved upon appointing a committee for secret affairs, and another for grievances, to sit every Wednesday and Friday.

In the committee for grievances, the consultations regarded the amount of the revenue in lands, customs, impositions and casualties; the abatement of these by pensions, now amounting to L. 120,000 per annum, lately L. 80,000, and in Elizabeth's time only L. 18,000; by the increase of the household expenditure from L. 45,000 to L. 80,000; by fruitless ambassadors with larger allowances than formerly; by treble increase of the privy purse; by double increase of the treasury of the chamber and great wardrobe; and by not using the best assignments, "whereby the creditors were delayed in the payment, and the king surcharged in the price the Exchequer-man mak-

* Rushworth, vol. i. p. 202. *et seq.* Cobbet's Par. Hist. vol. ii. p. 38. *et seq.* Old Par. Hist. vol. vi. p. 419. *et seq.*

ing his profit from the king's wants *." Whoever attends to this expenditure, and reflects upon the sum demanded for the exigencies of the war, may be of opinion that the penurious grants of the Commons were capable of a very different construction from that generally put upon them: That it was not without reason that they remained deaf to the demands of the throne, while they were not permitted to exercise any legislative function except that of voting away the public money.

While the Commons were thus proceeding with their inquiry into grievances, and were preparing articles of impeachment against the duke as the author of their calamities, Charles, doubtless instigated by that minion, addressed a letter to the Speaker to hasten the supply, and sent a message to the same effect by the lord keeper, whom he also instructed to state the following reasons for an immediate compliance with his demand: *1st*, That as the fleet was returned, and the victuals consumed, the men must, of necessity, be discharged, and their wages be paid, otherwise a mutiny will assuredly follow: *2dly*, That about forty ships are ready for a second voyage, and want only a few men and victuals, but that, without an immediate supply, the object must be abandoned: *3dly*, That the army, which is appointed in every coast, must be disbanded, unless they be forthwith furnished with cloaths and victuals: *4thly*, That, if the companies lately sent to Ireland be not provi-

* Rushworth, vol. i. p. 207.

ded for, they will raise a rebellion in that country instead of defending it : *Lastly*, That, if this month, March, be neglected, the season for procuring healthful victuals will be lost *. Strong as the motives appear, by this representation, to have been for instantly granting a supply, reasons of a still higher nature forbade precipitancy. In considering a subject of this kind, the mind is apt to be overpowered by a sense of dangers which are supposed to be peculiar to the crown from its demand of relief. But, it ought never to be forgotten, that parliament was far more deeply interested to prevent some of these calamities than the sovereign. And it might have been argued, if the pecuniary difficulties of the state correspond with this account of them, there must have been, not only an unnecessary expenditure, which ought to be inquired into and corrected, but a most unconstitutional spirit in the cabinet, that, unmoved by the condition of the Exchequer, could defer a meeting of the national council for aid till delay were no longer practicable. The public grievances, already numerous and daily increasing, must owe their cure to parliament ; no absurdity could exceed that of expecting it from their author ; and if parliament have not the power, her existence is a mockery : But, in the present posture of affairs, every meeting of the legislature, and, therefore, the only chance of success in any scheme for the

* Rushworth, vol. i. p. 215. Cob. Par. Hist. vol. ii. p. 48. Old Par. Hist. vol. vi. p. 428.

reformation of abuses, depends upon the wants of the executive: Withdraw this cause of meeting, and all prospect of amendment is closed. If, then, the exigencies of government require supplies, let the prince, as the head of it, prove, by renouncing a system as destructive of the general prosperity as irreconcilable with the laws, that his demand proceeds, not from views of vain-glory, but a steady attachment to his country. As, however, he evidently deems every departure from the present unconstitutional system, such a derogation of majesty, that a voluntary amendment is not to be expected, parliament is bound to assert her own and the national rights in the only practicable way, by making supply the price of improvement. If, then, we value the liberty we have inherited, liberty by which we are distinguished above every other kingdom of Europe, now is the time to shew ourselves worthy of our inheritance, by extorting from the throne some permanent security for our rights. Let the present system continue a few years longer, and the flattering distinction will never descend to our posterity. But, after all, it does not appear that money, instantly voted, could be levied in time for the alleged necessities of the state: A delay must inevitably occur, and the addition of a few days or weeks can be of little consequence to the public measures in relation to the external welfare of the kingdom, while it is of vital consequence to the domestic peace of the community. But how shall we be certain of the truth of the statement which has been made to us, since

it is not too much to presume that the same principle that could lead to the hasty dissolution of the last parliament, and delay the meeting of this, in order, apparently, that the necessity of supply might afford a ground for demanding it without a redress of grievances, could impose upon the legislature when assembled? We are assured that we shall be allowed to continue our session, and even to meet again for the settlement of domestic business, provided we immediately supply the necessities of the executive, but it would be contrary to every rational principle to expect that he who, even for the attainment of his own object, which he represents as so important, obstinately refuses to make concession, will adopt a different course when every personal motive is withdrawn; and it would accord as ill with the dignity as with the wisdom of parliament, patiently to wait for that as a boon which she is entitled to demand, and is yet denied, as a right.

The answer of the Commons to the message from the throne, while it was full of respect and expressions of attachment, intimated that they were engaged in an inquiry into the causes of his majesty's wants and the people's griefs; and that inquiry must precede supply. This was delivered by the Speaker, to whom Charles observed, that he liked the answer, but considered the mention of grievances as a parenthesis, not a condition; that, while he would be as happy as any of his predecessors to hear their grievances, provided they devoted themselves to redress, not inquire after them,

he would not permit any of his servants to be questioned, much less those of eminent place, particularly Buckingham, whom he perceived they aimed at, though his popularity at the breach of the Spanish treaties was such that they knew not how to express it, and he had done nothing since to forfeit their good opinion, having, in all matters, strictly followed the royal directions. He concluded thus: "I wish you would hasten my supply, or else it will be worse for yourselves; for, if any ill happen, I think I shall be the last that shall feel it *."

Far from being awed by this threatening language into compliance with the demands of the court, the commons assumed a still more decided tone. Mr. Clement Coke, son of the great lawyer, observed that it was better to die by an enemy than suffer themselves to be destroyed at home; and Dr. Turner, a physician, proposed certain queries to the house, founded upon common fame, or the general report and belief of the facts: "1st, Whether the duke, being Admiral, be not the cause of the loss of the king's royalty in the narrow seas? 2d, Whether the unreasonable, exorbitant, and immense gifts of money and lands to the duke and his relations, be not the cause of impairing the king's revenue, and impoverishing the crown? 3d, Whether the multiplicity of offices conferred upon the duke, and others depending upon him, whereof they were not capable, be not the cause of the evil

* Rush. vol. i. p. 216, 217. Cob. Parl. Hist. vol. ii. p. 49. Old Parl. Hist. vol. vi. p. 429. Sanderson, p. 30. Franklyn, p. 115.

government of the kingdom? 4th, Whether recusants in general, by a kind of conniving, be not borne out and increased, by reason the duke's mother and father-in-law were known papists? 5th, Whether the sale of offices, honours, and places of judicature, with ecclesiastical livings and promotions—a scandal and hurt to the kingdom—be not through the duke?"

These queries having been propounded, two questions regarding them were next proposed: 1st, Whether they might be debated in parliament? 2dly, Whether an accusation upon common fame, by a member of the Commons, be a parliamentary way? And the House came to this resolution, "that common fame is a good ground of proceeding for the House, either by inquiry, or by presenting the complaint, if the House find cause, either to the King or the Lords." It was remarked by *Mr. Wentworth* *, as well as by *Noy*, *Selden*, and other law-

* It is singular that, both in *Rushworth*, and the *Parliamentary History*, this individual is represented as *Sir Thomas Wentworth*, who had been pricked sheriff, and was not a member of this parliament at all. See *Essay towards his Life* by *Sir George Radcliffe*, in *Appendix to Letters and Dispatches*, vol. ii. p. 430. See also various letters in vol. i. relative to this point, p. 29, *et seq.* The cause of the mistake has been that there was a *Mr. Thomas Wentworth*, a very popular character, who represented Oxford in all the parliaments of James, and the two first of Charles. *Sir Thomas*, who was returned for Yorkshire, and he, were frequently appointed to the same committees. The reader will find them both included in the list of members for the third parliament of James, in *Cobbet's Parl. Hist.* *Sir Thomas Wentworth* as member for Yorkshire, *Thomas Wentworth, Esq.* as member for Oxford; and even in the first parliament of Charles, I find by the Journals, that they both were appointed of the same committee, 21st June, I. C. p. 799. In the Journals, *Sir Thomas* is always distinguished from *Mr. Wentworth*, and the first does not appear in the transactions of the

yers, in the course of the debate, that there is a difference between common fame and rumour ; for that the general voice, *vox populi*, is common fame, and if this were not admitted as an accuser, great men would alone be safe from inquiry into their actions, as no private individual durst venture upon the task ; and that, as the house of Commons is a house of information and presentment, not of de-

second parliament of Charles. The confounding of these individuals has led to much mistake about Sir Thomas's character, who, I shall afterwards prove, looked for place from the very beginning, and truckled to men in power, till he was forced into patriotism by the jealousy of Buckingham. He was a man of large estate, and, at the age of eighteen, married the Earl of Cumberland's eldest daughter. This lady died in July, 1622, and in February, 1625, he married a younger daughter of the Earl of Clare. From his great family connections, and his being representative of so large a county, he was, though he seldom spoke, a man of very considerable influence, and Buckingham was anxious to gain him. Williams applied to him during the first parliament of Charles, and received an unqualified assurance of support for the duke ; but the duke being jealous of Williams himself, extended his jealousy to the individual with whom he was so intimately connected. At this time Wentworth reckoned Williams his very good friend, though he afterwards tried to ruin him. See Letters and Dispatches, p. 28, *et seq.* and particularly two letters from Wentworth to Weston, chancellor of the exchequer, p. 34, 35. Hacket's Life of Williams, part ii. p. 17. Mr. Thomas Wentworth seems to have been a man of consequence. He was of the family of Wentworths in Northamptonshire, and was author of an esteemed work on the office and duties of executors. He studied as a commoner at Oxford, and then entered Lincoln's Inn. Having been regularly called to the bar, he was elected recorder of Oxford in 1611, and represented that town in all the parliaments of James I. and in the two first of Charles. He died in October 1627. During his parliamentary career, he was repeatedly imprisoned for speeches that displeased the court ; and the university of Oxford, offended at his stirring up the citizens against them, probably with cause, *discommoned* him for two years, and registered him *pro intensissimo et inimicissimo viro universatis*

definitive judgment, the individual is exposed to no injustice by the proceeding*.

Message to
the Com-
mons from
the king.

While the Commons were resuming their debate on the following day, a message was delivered from the king by Sir R. Weston, that his majesty had noted the seditious speech of Mr. C. Coke, yet had forbore to adopt any course for the punishment of it, expecting that the house would of its own accord correct such insolence; but that his patience had only been productive of worse consequences in the strange conduct of Dr. Turner, who, without any ground of knowledge in himself, or proof tendered to the house, had made an inquiry into certain charges, ostensibly against the Duke of Buckingham, but in reality against the honour of the late king, as well as the present. That to such an example he could not submit, though it were against one of his meanest servants, much less one so near himself, and he wondered at the foolish impudence of any man to suppose that he could be

Oxon. He was at last obliged to quit the town through the influence of the university. Wood's *Athen. Oxon.* vol. i. p. 437.

I have just again carefully inspected the whole journals of the Commons from the year 1614, when Sir Thomas first became a member, (see his life by Sir George Radcliffe,) and I find the one always distinguished as *Mr.* the other as Sir Thomas, (Sir T.'s father did not die till the summer of 1614, after the dissolution of that parliament; but I presume he had been knighted,) and that all the violently patriotic speeches were made by the first. It was he, not Sir Thomas, as has been erroneously supposed, who quoted Daniel xi. verse 20, "a vile person," &c. Journals, 21st May, 1614, p. 193. I find them both often appointed to the same committee.

* Rush. vol. i. p. 217. Old. Parl. Hist. vol. vi. p. 431. Cob. Parl. Hist. Whitelocke, p. 3. Heylen's Life of Laud, p. 148.

drawn, by any motive, to offer so great a sacrifice, much unworthy of the greatness of a king and the master of such a servant; and that therefore he could no longer use his wonted patience, but desired the justice of the house against the delinquents, which, he trusted, would remove from himself the necessity of putting forth his regal power for their punishment*.

The Commons continued their debates against the duke in spite of the message, though, to prove that their measures were tempered by regard for the necessities of the crown, they voted three subsidies and three fifteenths. But they withheld the bill till their grievances should be redressed. Having voted this supply, they resumed their debate against the favourite†. Perfectly wedded to his servant, and conceiving every reflection against him derogatory to the divine right by which he pretended to govern, Charles adopted the unhappy expedient of lecturing the Commons in the lofty tone of an absolute monarch, by whose permission that body enjoyed their rights. For this purpose he summoned both houses to Whitehall, where, having thanked the Lords for their dutiful proceedings, he sharply rebuked the Commons, yet concluded with remarking that, as their errors would be clearly demonstrated by the lord-keeper, he still did not despair of the parliament's ending happily, though it had had some rubs.

Commons
summoned
to White-
hall that
Charles
might lec-
ture them.

* Rushworth, vol. i. p. 218. Old Parl. Hist. vol. vi. p. 432. *et seq.*

† Id. p. 40.

The lord keeper, having partially travelled over the ground which has been already so amply discussed, said, that as no prince was better affected to the right use of parliaments, so never king was more jealous of his honour, nor more sensible of the neglect and contempt of his royal rights, which he would not permit to be violated under any pretended colour of parliamentary liberty; and that, while he did not forget that the parliament is his counsel, he understood the difference between counsel and controul—between liberty and the abuse of liberty. The lord keeper farther stated, that he was commanded to tell them that, as his majesty knew better than any of them the integrity of the duke, and the hazards he had run, both in regard to his person and estate, for the service equally of the late and of the present king, so he is satisfied that the proceedings are levelled, not against Buckingham, but his own and his father's government; and that, therefore, he commanded them to relinquish this unparliamentary inquisition, and commit to his care, wisdom, and justice, the future reformation of the matters they complained of: That his majesty had remarked how they had suffered the greatest council of state to be censured and traduced in the house, by men whose years and education were unequal to the consideration of such matters: That foreign business had been entertained by them to the hindrance and disadvantage of negotiations: That they had allowed his council, government, and servants, to be compared with times of most exception: and that their committees had

presumed to examine the letters of secretaries of state, nay, his own, and had sent a general order to his signet-office, commanding his officers to produce and exhibit, not only the records, but their books and private notes kept for his majesty's service ; conduct which he held to be as unsufferable as unusual. The lord keeper observed farther, that in regard to supplies, they had promised to make his majesty safe at home, and feared abroad, yet that they had entertained this business in two days only out of twelve, and that the extent of the supply voted at last, fell so short of the occasion, that it merely exposed him to danger and dishonour, since without better aid, he could expect nothing else than that the allies would disband and leave him alone to bear the fury of a provoked and powerful enemy ; whence both he and his people would be unsafe at home and despised abroad. But that if the supply were in itself inadequate, the manner of granting it was dishonourable, for though they had literally avoided the word *condition*, against which his majesty had warned them, when he told them of their parenthesis, yet they had actually imposed it, by delaying the bill till their grievances were both preferred and answered. That he therefore commanded them to determine by Saturday, whether they meant to increase the amount of their proposed grant, without a condition, either direct or indirect, as, in the event of their not coming to such a resolution, supply could not be expected in that way, nor they be permitted to continue longer together ; but that if they, without

delay, voted a liberal sum, they should be allowed to continue together as long as the season permitted, and be assembled afterwards.

The lord keeper having finished his speech, Charles resumed his address, and stated, that he had been the instrument of breaking off the treaties with Spain, when no man was so much a favourite with them as the individual they now appeared to aim at, though in reality the proceeding affected his own and his father's government. "Now," continued he, "that you have all things to your wishes, and that I am so far engaged that you think there is no retreat—now, you begin to set the dice, and make your own game, but I pray you be not deceived; it is not a parliamentary way, nor is it a way to deal with a king. Mr. Coke told you, it was better to be eaten up with a foreign enemy, than to be destroyed at home. Indeed I think it more honour for a king to be invaded and almost destroyed by a foreign enemy, than to be despised by his own subjects."

"Remember that parliaments are altogether in my power for their calling, sitting, and dissolution; *therefore as I find the fruits of them good or evil, they are to continue or not to be*; and remember that if, in this time, instead of mending your errors, by delay you persist in your errors, you make them greater and irreconcilable; whereas, on the other side, if you do go on cheerfully to mend them, and look to the distressed state of Christendom, and the affairs of the kingdom, as it lieth now by this great engagement, you will do yourselves honour—you shall encourage me to go on with

parliaments, and I hope all Christendom shall feel the good of it *."

As the supreme power of the state, parliament is not only entitled, but bound, to watch over the measures of the executive; as disposing of the public money, she is imperiously called upon to inquire into the causes of every demand, and to be satisfied, not only of the necessity of it, and of the integrity of ministers to devote it to its legitimate object, but of their ability to employ it to the best advantage. No wise or good monarch will entrust his affairs to ministers who have lost the public confidence. But the lofty pretensions now made by Charles were inconsistent with every notion of authority, and consequently of utility, in parliament, and fully proved that he regarded the national council in no other light than as a convenient medium of procuring money to promote the designs, or gratify the passions of the court. The conduct of ministers was not liable to inquiry; reformation of abuses, which had sprung from the executive, must be left to the sovereign alone; the proceedings of the privy council, now styled the greatest council, in apparent contempt of parliament, whose claim to that title had hitherto been undisputed, were not even a proper subject of debate; foreign business, for which supplies were demanded, was beyond the reach of the legislature; and even the inspection of the records, which, notwithstanding the assertion to the con-

* Old Parl. Hist. vol. vi. p. 440. *et seq.* Cob. Parl. Hist. vol. ii. p. 56. *et seq.* Rush. vol. i. p. 221. *et seq.*

trary, had never been denied in former times, was now declared to be an insufferable presumption : While supplies, on the necessity of which now depended every hope of parliaments, must be voted at the desire of the prince, without inquiry into those very measures which were alleged to have rendered them necessary, and before presenting the public grievances to the throne ; for to defer the first till the latter were redressed, was a dishonourable capitulation with the sovereign. In this light, parliament was an absolute delusion ; but this assembly was not composed of materials to resign its authority to gratify the prince, who was no less unfortunate in the disclosure of his feelings, than in the development of his principles of government. By stating that he thought it more honour for a king to be invaded, and almost destroyed by a foreign enemy, than to be despised by his own subjects, he distinctly declared that, in his opinion, he reigned for himself alone, not for the benefit of his people, whose utmost miseries, for they must suffer the evils to which he alluded, were, in his idea, trivial in comparison of his being crossed in his arbitrary measures.

In this light were matters viewed by the Commons, who immediately turned themselves into a grand committee, ordered the doors to be locked, and prohibited all members from leaving the house ; when they resolved to delay the consideration of all other business till they came to some determination on this, which virtually involved their existence as a legislative assembly. It was now per-

ceived by the court, that the disclosure of such principles of government had been premature, or imprudent, and Buckingham attempted to explain away their effect. But the explanation did not divert the Commons from their purpose of a remonstrance, which was no sooner presented to the throne, than Charles desired them to adjourn for a week; an injunction agreed to by a very narrow majority*.

During the recess, no means were neglected to stem the torrent which seemed ready to overwhelm the favourite; but the Commons inflexibly pursued their object, and he had to encounter an attack, at the same moment, from another quarter. The Earl of Bristol's treatment on his return from Spain, has been already mentioned. During the life of James, as he was confident of the concealed friendship of the monarch, he bore it with indifference, expecting, ere long, to be amply rewarded for his sufferings, and revenged on their author: even after the accession of Charles, he did not, for a season, despair of being restored to favour, and while that hope remained, he was content to court his fortune by patient submission; but when he perceived that Buckingham's revenge was insatiable, because fears of the other's ascendancy disturbed his repose, and that the king, who resented the detection of his mistatements, was prepared to gratify the malignant passions of his favourite, by assisting him to destroy an enemy,—Bristol re-

The Earl
of Bristol's
case.

* Old Parl. Hist. vol. ii. p. 454. *et seq.* Cob. Parl. Hist. vol. ii. p. 60. *et seq.* Rush. vol. i. p. 225. *et seq.*

Impeach-
ment of
Bristol.

solved to apply for justice to the laws of his country, and to let his adversary feel how much it was in his power to vex him. No writ, on summoning the parliament, had been sent to him as a peer of the realm; and he petitioned the Lords upon this breach of privilege, which he attributed to Buckingham, and craved to be heard against that powerful individual, whom he declared himself capable of convicting of many crimes in relation to the Spanish affairs. The writ was then sent, but with positive orders not to take his seat; and as Bristol evinced that he was resolved to vindicate his privileges, and impeach the duke*, the other determined, by first impeaching him, to anticipate the blow. Articles, therefore, to the following purpose, were charged against him in the king's name, by the attorney-general: That, though he knew the insincerity of the emperor, and of the king of Spain, in regard to the restoration of the Palatinate; and of the latter in respect also to the match, he traitorously assured king James of the contrary, and protracted the treaties: That, to the injury of his master's affairs, he did not execute his commands, nor bring the king of Spain to a definite answer: That he persuaded king James not to break the treaties, and said that he was indifferent as to the issue, as he would make his fortune by the business: That he intended to introduce popery into England, and advised a toleration of it: That he was the cause of the prince's

* Rush. vol. i. p. 234. *et seq.* Franklyn, p. 121, 123. *et seq.* Old Parl. Hist. vol. vi. p. 471. *et seq.*

journey to Spain, and endeavoured there to prevail upon him to change his religion: That he advised that the elector's eldest son should be brought up in the emperor's court: That, if extraordinary diligence had not prevented it, he would have dispatched the disponsorios, notwithstanding the prince's commands to the contrary; and that his petition to the Lords, as it accused the duke, and his majesty by implication, of having deceived the parliament with an unfounded statement, was contemptuous and scandalous*.

Bristol complained that this impeachment was a mere device to defeat his charge against the duke, which he preferred to the following effect: That Buckingham plotted with Gondomar to carry the prince into Spain, in order to pervert him to the Romish faith: That he laboured to accomplish this object during the prince's residence in the Peninsula, and flattered the Spaniards with the hope of attaining it, by testifying his own attachment to their religion, as he absented himself from service in Bristol's house, frequented by all the other Protestants, and attended the Romish service, conforming to their rites and adoring their sacraments, a course which induced the Spaniards to rise in their demands: That he prevailed with the late king to write a letter to the Pope, styling him *Sanctissime Pater*: That the pope being apprised of the duke's inclinations in regard to reli-

Bristol's
impeach-
ment of
Bucking-
ham.

* Old Parl. Hist. vol. vii. p. 2. *et seq.* Cobbet's Parl. Hist. vol. ii. p. 80. *et seq.* Rushworth, p. 249. *et seq.* Whitelocke. p. 4. Franklyn, p. 123. *et seq.*

gion, sent him a bull, encouraging him to pervert the prince : That his behaviour in Spain so incensed the Spanish king and his ministers, that they refused to have farther correspondence with him, whence the duke, perceiving that the match would now be disadvantageous to him, endeavoured to break the treaty, and for that purpose concealed matters of importance from the prince, and used his highness's letters contrary to his intentions : That he had, in a great measure, been the cause of the ruin of the prince palatine and his family : That he had abused parliament by a false statement of facts, and had wronged the earl in his honour, by unjust aspersions, and in his liberty, by undue courses through his power and practices ; that his debaucheries in Spain (to promote which he had used his influence with the Spanish king to procure favours and offices, and bestowed them upon the most unworthy objects) had brought a reproach upon the English nation ; and that the late king had promised to hear the earl against the duke, but that the circumstance having reached the favourite's ear, the king not long after sickened and died.

Bristol also preferred articles against Lord Conway, who, he alleged, had, as the duke's creature, done him particular injuries *.

In the ordinary quarrels of life, neighbours seldom remain neutral, and, to buoy up the party whose

* Old Parl. Hist. vol. vii. p. 12. *et seq.* Cobbet's, vol. ii. p. 86, *et seq.* Rush. vol. i. p. 254. *et seq.* Whitelocke, p. 5.

cause they espouse, they generally lose sight of his particular faults ; but, when a nation suffers under the undue power of an odious court minion, an accusation against him by a rival, who is exposed to oppression for endeavouring to supplant him, is heard with particular favour. The accuser is, however unworthy in himself, a useful instrument of public justice ; he is encouraged in his task by the popular voice, and the people, making his cause their own, overlook his faults. This feeling operated powerfully in the case of Bristol, while the part which he and his son afterwards took in the contest with the long parliament, appears to have induced certain historians to vindicate his whole conduct in the Spanish treaties. But he seems to have been actuated merely by motives of self-aggrandizement, and to have been no less ready than the duke, whom he had a prospect of supplanting in court-favour, to make the greatest national sacrifices to complete the match, which promised to procure for him the highest favour of the English court. One of the greatest evils which apparently could befall the nation, or even the prince himself, was his conversion to the popish faith. Of this Bristol appears, by the opening article of his impeachment of the duke, to have been fully sensible, yet he admits in his defence, that having learned from Gondomar, that there was a general opinion of the prince's having come to Spain to change his religion, he took advantage of a private opportunity to throw him-

self at his highness's feet, and request to know the truth of the report, pledging his fidelity to the secret, and promising that he should always serve his highness, and labour to advance his and the king his father's affairs, with as much fidelity and honesty as any catholic whatever. It is easy to make a distinction between advising a measure and consenting not to obstruct what a prince has already determined upon: But the distinction would at once destroy the security arising from the responsibility of ministers, while it must immediately occur that every good subject, and much more a confidential servant of the crown, is bound to avail himself of his opportunities to dissuade his prince from an act likely to involve, not the country only, but the prince himself in the greatest calamities. The most insidious promoters of mischief are they who sound a prince's secret inclinations, which, as he is reluctant to communicate them, might wither away in his own bosom from want of encouragement, and then affect the merit of advancing, out of unlimited devotion, an object that they do not quite approve of. Charles, in a letter which he addressed to Bristol, directly accused him of having repeatedly urged him to embrace the catholic religion: but the proceedings of this prince, in regard to the Spanish treaty, and this individual in particular, were characterized with such insincerity, that it is impossible to determine what degree of credit is due to the statement; and though it is amazing to think that a person in his elevated sphere should have had the frontless assurance to

accuse one of his subjects to his face of such an offence, without foundation, yet it ought never to be forgotten, that the continued persecution of Bristol is attributable to his having refused to sign an acknowledgment of his guilt, (even James is alleged to have said to the duke in regard to this earl, “I were to be accounted a tyrant to enjoin an innocent man to confess faults of which he was not guilty*,”) and that Charles was guilty, in this affair, of other mistatements equally gross. The jealousy between the duke and Bristol had precluded the latter from the secret councils of the prince, and strict injunctions were laid upon James, by his son and favourite, not to disclose their dispatches to the ministers at home, amongst whom Bristol had a powerful party. They had proposed to that monarch to acknowledge the spiritual supremacy of the pope; they had consented to a toleration, and, lest their powers should be disputed, or a confirmation of the terms be afterwards opposed, they obtained a writing under James’s hand, of their own dictation, to ratify any conditions to which they should agree†. Under such circumstances, it could scarcely have been expected that Charles would have, on the one hand, let loose all the power of his office to ruin Bristol

* See Letter in Cabala, p. 203. See Bristol’s defence in Rush. vol. i. p. 269. *et seq.* and all papers there relative to the Spanish treaties. Old Parl. Hist. vol. vii. p. 21. *et seq.* Cobbet’s, vol. ii. p. 134. *et seq.* All the papers in Hardwicke’s Col. vol. i. relating to this business. See Howel’s Familiar Letters, p. 116. *et seq.* Cabala, p. 95. *et seq.*; also p. 3. *et seq.* 26. *et seq.*

† Hardwicke’s State Papers, vol. i. p. 410, 417, 419.

on this point, and, on the other, have declared his approbation of Buckingham's conduct, affirming that, of his personal knowledge, he could vindicate his minion from most of the charges, while he never hesitated to appeal to his own conduct in the Peninsula as irresistible proof of his constancy in the national faith *.

Impeachment of
Buckingham by the
Commons.

These impeachments were followed by one against Buckingham, at the instance of the Commons, charging him with the sale of offices, and the accumulation of offices in his own person ; with having purchased, at the king's expense, the offices of admiral, warden of the cinque ports, and constable of Dover ;—with the neglect of his duty, and trust as admiral, so that pirates infested the very coasts, and trade had decayed ;—with having caused the ship *Peter* of Newhaven to be arrested, and jewels to the value of L.20,000, which he applied to his own use, to be taken from her, and having afterwards stayed the ship, which had provoked reprisals on the part of the French ;—with the extortion of L.10,000 from the East India Company, by laying an embargo on their ships ;—with having consigned over the *Vanguard*, and six merchant vessels, to the French king, to be employed against the protestants of Rochelle, and having forced the owners into acquiescence ;—with the sale of honours for his profit, and having threatened Lord Roberts to

* Mr. Hume had not, unfortunately, the benefit of Lord Hardwicke's State Papers, which were not yet published, when he wrote his history.

make a gift of L.10,000 for his title ;—with the sale of the office of treasurer to Lord Manchester for L.20,000, and that of master of the wards to Sir Lionel Cranfield for L.6000 ;—with having procured titles of honour for his allies, and pensions to support them ;—with having embezzled the king's money, and obtained grants of crown lands to an immense value ;—and lastly, with having twice administered a potion to the late king a few days before his death, not only of a nature unknown to the physicians, surgeons, and apothecaries, but against a positive order by the first, that nothing should be given at the interval he took advantage of ; and farther, with having applied a plaister to his breast, of unknown qualities, both of which, potion and plaister, were attended with the worst symptoms, “ a transcendent presumption of dangerous consequence *.”

These charges were of so aggravated a nature, that the king should have himself been as anxious as any of his subjects for a trial of the accused. Powerful as was the influence of the crown in the house of Lords, where there were so many newly created nobility, and the bishops could be depended on, a conviction could scarcely have been expected from the clearest evidence, and innocence had nothing to dread. If, therefore, Charles sup-

* Articles in Rush. vol. i. p. 304. *et seq.* Old Parl. Hist. vol. vii. p. 51. *et seq.* Cobbet, vol. ii. p. 106. *et seq.* Whitelocke, p. 5. See these authorities, about the potion given to King James ; the 1st in p. 350. ; 2d, at p. 114. *et seq.* ; 3d, at p. 117. ; 4th at p. 6. *et seq.*

Sir J. Elliot and Sir D. Diggs committed to the Tower.

posed his prime-minister guiltless of the crimes of which he stood impeached, it essentially concerned his own honour, as well as Buckingham's, that his title to the office should be vindicated by a refutation of the charges ; but, far from pursuing so obvious a course, Charles committed the two leading men to the Tower, who managed the impeachment, and going in person to the house of Lords, proposed to clear his favourite of every charge by his own testimony. This indecorous proceeding occurred on the very day on which the Commons had moved the Lords for the duke's commitment to the Tower till the issue of his trial,—a motion, however, which they rejected.

The commitment of their members to the Tower for discharging their duty, was regarded by the Commons as such an infringement of their privileges, that they determined to proceed no farther in public business till their members were restored ; turned the house into a grand committee, to consider of the most judicious means of asserting their rights, and ordered that no member should quit the house. Upon this Sir Dudley Carleton, a creature of Buckingham, observing their unusual, and as he termed it, sullen silence, addressed them in language, which, however congenial to the sentiments of his master, was repugnant to the first idea of a parliament, while it affords evidence of the estimation in which the English government was held, that ought to have saved Mr. Hume from the erroneous view he entertained. “ I beseech you gentlemen,” says he, “ move not his

majesty with trenching upon his prerogatives, lest you bring him out of love with parliaments. You have heard his majesty's often messages to you, to put you forwards in a course that will be most convenient. In those messages he told you, that if there were not correspondency between him and you, he should be enforced to use new counsels. Now, I pray you, consider what these new counsels are, and may be: I fear to declare those that I conceive. In all Christian kingdoms you know that parliaments were in use anciently, by which their kingdoms were governed in a most flourishing manner, until their monarchs began to know their own strength, and seeing the turbulent spirit of their parliaments, at length they, by little and little, began to stand upon their prerogatives, and at last overthrew the parliaments throughout Christendom, except here only with us.

“ And indeed you would count it a great misery if you knew the subject in foreign countries as well as myself; to see them look, not like our nation, with store of flesh on their backs, but like so many ghosts, and not men, being nothing but skin and bones, with some thin cover to their nakedness, and wearing only wooden shoes on their feet; so that they cannot eat meat, or wear good clothes, but they must pay and be taxed unto the king for it: This is a misery beyond expression, and that which *yet* we are free from. Let us be careful then to preserve the king's good opinion of parliaments, which bringeth this happiness to this nation, and makes us be envied of all others,

while there is this sweetness between his majesty and his Commons, lest we lose the repute of a free-born nation by our turbulency in parliament. For, in my opinion, the greatest and wisest part of a parliament, are those that use the greatest silence, so as it be not opiniatory or sullen, as now we are by the loss of these our members that are committed." He then stated the alleged reasons for the commitment of the members; but before proceeding to mention them, it may not be amiss to observe, that the house were so indignant at a speech by a servant of the crown, which struck at the very vitals of their privileges as a legislative assembly, that they cried out "to the bar, to the bar;" and that he very narrowly escaped the disgrace of asking pardon on his knees for his profligate insolence: but his loyalty had its due reward elsewhere, for he was shortly afterwards created a peer*!

The ground alleged for the commitment of Sir Dudley Diggs was, that, in speaking of the plaister, he had said that he forbore to speak farther out of regard to the king's honour; that for Sir John Elliot's, that he had overstept the bounds of his commission in asperity against the duke. The last, the Commons justified as not having exceeded his powers; the first, as never having uttered the words imputed to him. Both members were liberated, and Charles declared himself satisfied in respect to the first; but Buckingham, whose interest it was to make his

Elliot and
Diggs li-
berated.

* Rushworth, vol. i. p. 357. *et seq.* Journals, 860—1.

master a party to his quarrel, still declared in the upper house, that language uttered by Diggs was construed treasonable, and thirty-six peers entered into a solemn protestation that they heard none of the words attributed to him. This quashed the business *.

While the favourite stood charged with those crimes, the chancellorship of Cambridge became vacant by the death of the Earl of Suffolk; and as it was imagined by Buckingham and his master, that his election to that office would be one of the most honourable testimonies of worth and integrity which the nation could afford, and would buoy him up under the weight of so many charges in parliament, all the influence of the crown was exerted in his favour; and, considering how the university was constituted, (Dr. Maw, the king's chaplain, as master of Trinity College, supplied him with no fewer than forty-three votes, above a third of the whole in his favour,) it is not so wonderful that he should have been successful as that Lord Thomas Howard, son of the late chancellor, should have mustered a hundred and three votes against the duke's hundred and eight. It is even alleged, that had Lord Thomas been more hearty in the cause, he might have carried it.

The Commons, considering this election as a reflection against them, which in truth it was intend-

* Cobbet's Parl. Hist. vol. ii. p. 119. *et seq.* Franklyn, p. 179. *et seq.* Rush, vol. i. 360—1.

Buckingham elected
chancellor
of Cambridge.

ed, resolved upon writing to the university against the measure; but Charles, pronouncing this a violation of that learned body's privileges, sent a message to the lower house, by Sir Richard Weston, to abstain from interfering. The Commons defended their conduct in an answer to the king, and received a still more peremptory reply, while his majesty himself dispatched a letter to the university, expressive of his warm approbation, and of his intention to make a proper return for such a proof of loyalty*.

His answer
to the Com-
mons' im-
peachment.

Buckingham, on the 8th of June, presented to the peers his answer to the impeachment of the Commons, and moved that it might be immediately transmitted to the lower house for their reply; but on the very next day, Friday, before the answer could be transmitted, the king sent a peremptory message to the Commons to grant the supply immediately and unconditionally, that it might pass the house by the end of the next week at farthest, as else he would be obliged to take other resolutions. The duke's answer was transmitted to the Commons on the 10th; and they seem to have lost no time in preparing their reply; but as it clearly appeared, from the royal message, that it had been resolved upon in the cabinet to frustrate their proceedings, they, in order to preserve their privileges, to divert the king from so invidious a measure, and to remove the alleged author of their

* Rushworth, vol. i. p. 371. *et seq.* Whitelocke, p. 7.

grievances from the power to augment them, resolved to petition the throne ; and, in the meantime, they presented a petition, which they had been long preparing, against the employment of recusants in the public service, with a list appended of persons in offices of trust who were either avowed or suspected papists. From the repeated professions of the king on this subject, the petition ought to have been unnecessary : From the persecution of Bristol, upon the pretended ground of his having advised a toleration, consistency should have recommended an immediate compliance : Yet the petition was neither consentaneous to the feelings, nor the future government of Charles *.

On the 14th, the Commons, in answer to the royal message, presented their petition, in which they prayed for liberty to proceed in the discharge of their duty, and craved that Buckingham might be, during the impeachment, removed from the royal presence ; but the petition was so resented, that, though no bill of importance had been passed into a law, and both houses endeavoured to prevail with the king to drop his purpose, he determined upon an immediate dissolution. To the Lords who waited upon him to intercede for leave to continue a little longer together, he exclaimed, “ not a mi-
Parliament dissolved.
 nute,” and instantly completed his purpose †.

The Commons, apprised of his intention, hastily

* Rushworth, vol. i. p. 390. *et seq.* Journals.

† Cob. Par. Hist. p. 168. *et seq.* Old Par. Hist. vol. vii. p. 284. *et seq.* Franklyn, p. 199. Sanderson, p. 58. Rush. vol. i. p. 195. *et seq.*

The Com-
mons' re-
monstrance.

prepared a remonstrance, 1st, against the duke ; 2^{dly}, against levying tonnage and poundage without a legislative enactment ; and lastly, against a breach of their privileges, as well as of the general liberty, in sending one of their number, Glanvil, an eminent counsel, and one of the managers of the impeachment, to a post in the navy, for his parliamentary hostility to the favourite. Charles, on his part, issued a proclamation to justify his government, and another ordering the remonstrance of the Commons, which had been drawn more with a view to the public, than from any hope of changing the conduct of the prince, to be burnt *.

Observa-
tions on the
impeach-
ment.

The chief business agitated in this parliament was the impeachment of the duke ; and in order to bring down the proceedings in a connected chain, we have hitherto forbore any account of, or remarks upon the answer. It was drawn by Sir Nicolas Hyde, who was shortly afterwards rewarded for it with the office of chief justice ; and to say that it is plausible, may reflect some credit on the ability of the advocate, but as the case hinged upon matters of fact, which the favourite either absolutely denied, or explained away by averments involving new facts—whence it is self-evident that his guilt or innocence could only be ascertained by a fair and open trial—the answer, unsupported as it was by evidence of any kind, could afford no satisfaction to any rational mind,

* Rush. vol. i. p. 400. *et seq.* Old. Parl. Hist. vol. vii. p. 300. *et seq.* Cob. vol. ii. p. 193. *et seq.*

particularly to one in the slightest degree acquainted with judicial proceedings. We must therefore dissent from the sweeping assertion of the eminent author to whose work we have so often alluded,—that all “the articles appear, from comparing the accusation and reply, to be either frivolous or false, or both.” Unfortunately for this statement, it is disproved by this writer’s own account of one transaction, the loan of ships to France, which constitutes a principal article of the impeachment. Whoever reflects on the subterfuges of state criminals, especially of those who are supported with the whole power of the executive, together with the numberless difficulties that occur in establishing by evidence in a court of justice facts generally known, cannot be surprised at counter-assertions and denials : But, if ever a candid confession was to have been expected, it regarded the loan of ships—a transaction so public, and of which the proof was so simple, that a denial almost implied an insult to his judges ; yet the duke had the effrontery to state that he never imagined the ships were to be employed against Rochelle ; that he had been over-reached by the French court, who pretended a design against Genoa ; and that when he discovered the imposition, he laboured to frustrate it, and had, by his measures in favour of that town, hitherto saved it from destruction * ! The immense property he had acquired, the numerous offices accumulated in his own person and bestow-

* See his answer in Rushworth and the Parl. Histories.

ed upon his kindred, it was impossible to deny, and therefore he pleaded duty, &c. for the acceptance. It may be amusing to the reader to learn the cause of the complaint; and, therefore, we subjoin in a note, a list of his titles and offices *, while we, in this place, present a picture of his rapacity in the language of Mr. Sherland, one of the managers of the impeachment. He computed the money and value of the crown lands engrossed by the favourite, at L.284,395, “ besides the forest of Layfield, and besides the profit made out of the thirds of strangers’ goods, and the moiety of the profit made out of the customs of Ireland.” “ This,” continues Sherland, “ is a great sum in itself, but much greater by many circumstances: If we look upon the time past, never so much came into one man’s hands out of the public purse: If we respect the time present, the king never had so much want, never so many foreign occasions, important and expensive; the subjects never have given greater supplies, and yet those supplies unable to furnish those expenses. But, as these circumstances make the sum greater, so there be other circumstances which make it less. If it be compared

* Duke, Marquis, and Earl of Buckingham, Earl of Coventry, Viscount Villiers, Baron of Whaddon, Great Admiral of England and Ireland, &c. &c. &c. General-Governor of the seas and ships of the same, Lieutenant-General Admiral, Captain-General, and Governor of his Majesty’s fleet and army, &c.; Master of the Horse, Lord Warden, Chancellor and Admiral of the Cinque Ports, &c. Constable of Dover Castle, Justice in Eyre of the Forests of Chases on this side the Trent, Constable of the Castle of Windsor, Gentleman of the Bedchamber, Knight of the Garter, Privy Councillor, &c.

with the inestimable gain he hath made by the sale of honours and offices, and by projects hurtful to the state, both in England and Ireland, or if it be compared to his profusion, it will appear a little sum. All these gifts, and other ways of profit, notwithstanding, he confessed before both houses of parliament that he was indebted L.100,000! If this be true, how can we hope to satisfy his prodigality? If false, how shall we hope to satisfy his covetousness? And, therefore, your Lordships need not wonder, if the Commons desire, and that earnestly, to be delivered from such a grievance *."

But the last article of the impeachment was of such a nature, that, to our apprehension, an honest man would have courted inquiry and sued for a trial with more earnestness than he avoided it: That, though the late king's sworn physicians publicly intimated to all his majesty's attendants that no meat or drink should be given to him within certain periods, Buckingham, without the knowledge of the physicians, gave his master a potion during those intervals, not compounded by the sworn surgeons or apothecaries, but composed of ingredients unknown to them; and besides, contrary to the orders of the physicians, applied to his majesty's breast and wrists plaisters of an unknown quality, which potion and plaisters were attended with the most injurious consequences. "This medicine," says Wandesford, one of the managers of the impeachment, "found his majes-

* Rush. vol. i. p. 349.

ty in the declination of his disease, and we all wish it had been left so ; but his better days were shortly turned into worse, and instead of health and recovery, we hear by good testimony, that which troubles the poor and loyal Commons of England, of great distempers, as droughts, raving, fainting, an intermitting pulse—strange effects to follow upon applying a treacle plaister. But, the truth is, testimony tells us that this plaister had a strange smell and an invective quality, striking the malignity of the disease inward, which nature otherwise might have expelled : add to this, the drink twice given to his majesty by the duke's own hand, and a third time refused, and the following complaint of that blessed prince, the physicians telling him, to please him for the time, that his second impairment was from cold taken, or some other ordinary cause : “ No, no,” said his majesty, “ it is that which I had from Buckingham *.” Wandesford might also have enlarged upon the appearance of the body after death : It “ swelled very much †,” says Whitelocke, and the statement is corroborated by other testimony. This assuredly presents the favourite's conduct in no very favourable light ; but his answer, if true, at once removed every idea of guilt in a moral sense, however his presumption in applying a new medicine without an order of council, might have incurred censure in a legal one : That his late majesty knowing how much he had himself been relieved by a plaister and posset, which had been

* Rush. vol. i. p. 352.

† See a former note on this point.

recommended by a physician, insisted upon trying them : That the posset had been allowed by some of the physicians, after having been tasted by part of them, as well as by others of the bedroom : That the plaister was also allowed ; and that Buckingham, having heard a rumour ascribing injurious effects to his prescriptions, and accusing him of having administered the medicine without the consent of the physicians, mentioned it to the late king on his deathbed, who exclaimed, “ they are worse than devils who say so.” But, if this were a correct statement, why did he, to the imminent hazard of his master’s affairs, drive on the dissolution of parliament, to prevent a trial ? Situated as he was, commanding most of the witnesses, he could have, in that case, had nothing to dread ; and the result, by clearly exposing the malice of his enemies on so important a point, would have enabled him to brave them on other grounds, and gone far to have obtained for him the public support. He durst not, however, rely upon the testimony of the physicians, who are said, by Whitelocke, to have given it to the committee of the lower house, conformably to the facts charged by the Commons. With regard to Charles, he appears, in the whole of his connexion with Buckingham, to have laboured under a species of infatuation. Listening to no counsel but his, and imagining that the general hostility was a mere consequence of his own partiality for that individual, he thought himself bound in honour to support his creature against the popular clamour which apparently aimed at

directing him in the choice of a servant; and in his resentment of the public interference with his concerns on that supposed ground, he remained deaf to complaint against him on any other: In this instance, he seems to have regarded the whole as the result of a conspiracy to destroy his confidential servant, which could only be defeated by stopping the trial, and it may be inferred, from the language falsely imputed to Diggs, and the manner in which it was prosecuted, that the duke had artfully suggested to Charles that the object was to strike at royalty itself through the person of the king's favourite.

Credulity has been so often imposed upon by accounts of the deaths of princes, that every tale of that nature ought to be listened to with the utmost caution. But a wide distinction should be drawn between a popular rumour, and a specific charge by the legislative assembly of a great country; and considering the profligate character of this favourite, and the relation in which he had stood to the late king—considering that one of that monarch's minions had committed the most deliberate murder, to save himself from the detection of some secret crime; it is not wonderful that he, the successor of that convicted murderer, should, to rescue himself from destruction, have perpetrated a similar deed. Modern authors, however, availing themselves of the ridicule with which vague reports of the deaths of princes are now generally, and justly, regarded, have treated the story with a sneer, as the offspring of credulity in a be-

nighted age ; and the vulgar reader, who would greedily swallow a silly rumour of the passing hour, partly recoils from inquiry in confusion, partly feels the triumph of improved intelligence in smiling at the easy faith of former times. But whoever coolly weighs all the circumstances, may be of opinion, that, though the matter be now beyond the reach of certainty, it was not without reason the enlightened men of that age were discontented at being so unconstitutionally defeated in their attempt to bring it to a trial*.

* I would much rather have avoided this subject ; but it was impossible. The cause of the heat with which it has been taken up by writers, is, that Charles was subsequently implicated ; but I am clearly of opinion that there is no ground for suspecting him :—it is not like his character, he had no motive for his father's immediate removal, and, in the nature of things, must soon have succeeded.—I do not think that Buckingham's character, considering all matters, (I allude to a former note,) can suffer by the imputation. Clarendon says that the whole matter was inquired into during a time of great licence, and no criminality was discovered ; but I know of no investigation except that which was stopt by the dissolution of this parliament. Eglisbam, who had been above ten years one of king James's physicians, was obliged to abscond for alleging that his majesty had been poisoned ; and the following is his account of the matter published by himself : “ The king being sick of a certain ague, and that in the spring was of itself never found deadly, the duke took the opportunity, when the king's doctors of physic were at dinner, upon the Monday before the king died, without their knowledge or consent, and offered to him a white powder to take, the which he a long time refused ; but, overcome with his flattering importunity, at length took it in wine, and immediately became worse and worse, falling into many swoonings and pains, and violent fluxes of the belly, so tormented that his majesty cried aloud of this white powder, “ Would to God I had never taken it, it will cost me my life !” In like manner also the Countess of Bucks, my Lord of Bucks' mother, upon the Friday after, the physicians being also absent, and at dinner, and not acquainted with her doings, applied a plaister to the king's heart and breast, whereupon he grew

Earl of
Arundel's
case.

A circumstance may now be shortly mentioned, which was postponed to more important matter. The Earl of Arundel had been confined in the Tower, in consequence of his son's marriage with

faint, and short-breathed, and in a great agony. Some of the physicians after dinner returning to see the king, by the offensive smell of the plaister, perceived something to be about him hurtful to him, and searched what it should be, and found it out, and exclaimed that the king was poisoned. Then Buckingham entering, commanded the physicians out of the room, caused one of them to be committed prisoner to his own chamber, and another to be removed from court; quarrelled also with others of the king's servants in his sick majesty's own presence, so far, that he offered to draw his sword against them in his majesty's sight. And Bucks's mother, kneeling down before his majesty, cried out with a brazen face, justice, justice, sir, I demand justice of your majesty. His majesty asked her for what? For that which their lives are nowise sufficient to satisfy, for saying that my son and I have poisoned your majesty. "Poisoned me?" said he, with that turning himself, swooned, and she was removed. The Sunday after, his majesty died, and Buckingham desired the physicians, who attended his majesty, to sign with their own hands, a writ of testimony, that the powder which he gave him, was a safe and good medicine, which they refused. Buckingham's creatures did spread abroad a rumour in London, that Buckingham was so sorry for his majesty's death, that he would have killed himself, if they had not hindered him," &c. The author shews that the favourite felt nothing; and it is curious that another account altogether unsuspicious as against the duke, confirms this as to the clamorous nature of his grief on James's death. Laud was preaching before the lords of council, when, "before he was come to the middle of his sermon, the certainty of the king's death, (more generally known amongst them) the confusion which he saw in the faces of all the company, his own griefs, and the dolorous complaints made by the Duke of Buckingham, made him leave the pulpit, and bestow his pains and comforts where there was more need." Heylen's Life of Laud, p. 131. If his grief were violent, it did not last long. But to return to Eglisham's account. "Immediately after his majesty's death, the physician who was commanded to his chamber, was set at liberty, with a caveat to hold his peace; the others threatened if they kept not good

the Duke of Lennox's daughter. But, though confinement was as great a breach of the privileges of the upper house, as of the rights of an English subject, that passive branch of the legislature too tamely submitted to it, till the release of Sir Dud-

tongues in their heads. But, in the meantime, the king's body and head swelled above measure, his hair, with the skin of his head, stuck to the pillow," (his skin was unnaturally soft at all times, see Weldon's description,) "and his nails became loose upon his fingers." Harl. Miscel. vol. ii. p. 71. Eglisham's account is thought to be discredited by the acrimony with which he wrote; but let it only be supposed that he, a sworn physician of king James, is obliged to fly his native country, and reside for years abroad, for giving a faithful testimony, and say, is it wonderful that he should treat the subject with asperity? See Kennet, vol. ii. p. 790. But there might be another objection, that his description of the appearances in Marquis Hamilton's case, seems to be exaggerated in regard to the swelling; perhaps, however, it may be thought that the horror at such unnatural appearances, might mislead even a physician; and there are many who use strong language to convey a picture of what they keenly feel, without intending to mislead. Sanderson broadly accuses Eglisham of writing as many lies as lines, and of having offered to Sir B. Gerbier to publish a recantation for four hundred guilders, "of which the duke bid Gerbier join knavery together, and spit venom till they split, and he would pay for printing that also." But Sanderson's testimony is none of the best on any point: and here his story is incredible. For he says Gerbier, whose "testimony he pronounces odious to any man," told him! Now would the duke, who was so far from despising the charge against him, that, while he avoided a real trial, he purposely underwent the mockery of one, to calm the public feelings, by causing an information to be filed against himself in the Star Chamber, (nay, such was his soreness on this head, that he rose *nine times* in one morning in the house of Lords, to fasten the charge of treason upon Diggs for the imputed offence of having implicated the king as an accessory, Abbot's Nar. in Rush. vol. i. p. 450.) have neglected so noble an opportunity of vindicating his character? or would Gerbier, if he did speak at all, after this alleged rebuff, have only told the fact to Sanderson, who had such an antipathy to him? Sanderson's James I. p. 593. But Eglisham was not the only physician who thought James poisoned. The rest of the medical attendants appear to have entertained the same opinion, and Dr.

ley Diggs and Sir John Elliot roused them to greater decision. They then stoutly petitioned the throne for his liberation; and their efforts to vindicate their rights were successful, though not without many evasions by Charles, who never conceded one point with grace*. But, though their exertions to assert their privileges were not unavailing, they were productive of little benefit to the injured earl, who, immediately after the dissolution, was commanded to confine himself to his house. He does not appear to have entered into a legal contest for the recovery of his liberty. Bristol was also committed to the Tower, and such was the influence of Buckingham, that, according to a keen royalist writer, Sanderson, he corrupted Bristol's creatures to render him copies of all his papers during the mutual impeachments†.

The new
counsels
adopted by
Charles,
benevo-
lence, loan,
ship money,
&c.

Having broken with parliaments, it became necessary for the king to try the effect of the new counsels he had threatened. The customs, in-

Craig, Bishop Burnet's uncle, was disgraced for having spoken to that effect. Sanderson alleges, as the cause of Craig's talking thus, that he was, from the death of that king, discontented with the court. But why was he discontented? Why was Eglishman, who had held the office of physician to the monarch for upwards of ten years? The very fact of their being in that station, is, *prima facie*, evidence of good character. See former note on the death of James, and Howell's Fam. Let. p. 157. By the way, those who have read the memoirs of the Princess of Bareuth, which are admitted to be genuine, will not be disposed to regard the popular stories about the deaths of princes, or attempts against their lives, as so utterly ridiculous. We, happily, live in a country and state of society, where assassination may proudly be called unknown; but we are not warranted in judging of other times, &c. by the standard of ours.

* Rush. vol. i. p. 363, *et seq.* Aysc. MSS. Brit. Mus. No. 4161, vol. ii. Let. by Sir J. Mead, March 16th, 1625-6. 26th May, 1626.

† Hist. of Charles I. p. 59.

cluding impositions, were continued by an order of council; a benevolence was applied for from some; a loan from others, though the latter, as the most effectual, ultimately superseded the former; and the different port-towns, with the assistance of the counties adjoining, were severally required to provide a certain number of ships,—the origin of that oppressive tax of ship-money, which forms so prominent a feature in the history of this reign. The tone of the court corresponded with its arbitrary measures: The deputy-lieutenants, and justices of peace in Dorsetshire, having received orders to furnish ships from Pool, Weymouth, and Lime, and for that purpose to levy contributions upon the adjacent counties, excused themselves to the council-table, on the principle of the case being without precedent; but they were answered that the occasions of state, and the defence of the kingdom in times of extraordinary danger, were not to be guided by precedents. The city of London did not absolutely oppose the measure, yet pleaded for the abatement of the demand against them of twenty ships, to ten, and likewise alluded to the unprecedented nature of the measure. But their excuse was insolently rejected. They were told that the precedents of former times were obedience, not direction, and that there wanted not precedents for the punishment of those who disobeyed his majesty's commands. An order was issued at the same time, not to receive petitions and pleadings against the commands of the king, as they had a tendency to produce danger and prejudice to the commonwealth. It would have been

some consolation to the people for this breach of their laws, had the armament, so illegally fitted out, afforded protection to commerce, the pretext for which it was demanded. But, to add to their calamities, the Earl of Denbigh, with a hundred sail under his command, allowed English vessels to be captured in his view,—because, forsooth, he had no commission to fight; and when merchantmen took vessels belonging to the enemy, they were adjudged not to be prizes, and immediately released. A general muster throughout the kingdom was ordered at the same time, and commissions of martial-law were granted to deputy-lieutenants *, &c.

King of
Denmark
defeated.

Measures
in conse-
quence.

While the court proceeded in this unconstitutional manner, news arrived that the king of Denmark, who, by the importunity of the English monarch, had, at last, been prevailed with to take the field, for the recovery of the Palatinate, had sustained a signal defeat by Count Tilly, the Emperor's general †; and money became more necessary than ever to Charles, that he might support his ally. A general loan, therefore, towards which were to be imputed all sums granted under the name of benevolence, was immediately required. To the imposition of a loan, was added that of billeting the soldiers who had returned from Cadiz: the billet money was levied from the country, with a promise of repayment out of the loan. The companies of soldiers were scattered up and down the country, and though some were executed by martial law, they broke out into

* Rushworth, vol. i. p. 411, *et seq.* Whitelocke, p. 8.

† Rush. Id. p. 417.

the foulest disorders: "They mastered the people," says Rushworth, "disturbed the peace of families, and the civil government of the land: There were frequent robberies, burglaries, rapes, rapines, murders, and barbarous cruelties: *Unto some places they were sent as a punishment*, and wherever they came, there was a general outcry. The high-ways were dangerous, and the markets unfrequented; they were a terror to all, an undoing to many*."

The means used to advance the loan, besides that of punishing the refractory by quartering troops upon them, were of the most extraordinary, and despotical, description. The commissioners were privately instructed to "treat apart with every one of those who are to lend, and not in the presence, or hearing of any other, unless they see cause to the contrary; and, if any shall refuse to lend, and shall make delay, or excuses, and persist in their obstinacy, that they examine such persons upon oath, whether they have been dealt withal to deny, or refuse, to lend, or make an excuse for not lending? Who hath dealt so with them, or what speeches or persuasions he or they have used to him tending to that purpose? And that they shall also charge every such person, in his majesty's name, upon his allegiance, not to declare to any other what his answer was." The commissioners were also commanded to report the names of the refractory to the council-table. Accordingly, this having been done, men of rank were im-

* Rushworth, vol. i. p. 418. 19. and 20. See also a letter from Denzil Hollis to Wentworth, in Strafford's Let. and Dis. vol. i. p. 40.

The employment of the pulpit to advance the forced loan.

prisoned, Sir Peter Hayman was dispatched upon an expensive message to the Palatinate, and people of inferior condition were impressed into the army or navy *. But the most absurd device resorted to on the occasion, a device which, as it disclosed the root of the royal creed, brought upon it additional obloquy and contempt, was that of using the pulpit to defraud men out of their rights, by poisoning their minds with false notions of religious duty. For this purpose, Laud was employed to draw out instructions, partly political partly theological, to be distributed to the various pastors throughout England: "The dextrous performance of which service," says his biographer, "as it raised Laud higher in his majesty's good opinion of him, so it was recompensed with a place of greater nearness to him than before he had †." The instructions were not lost upon the clergy, too many of whom were "*willing to exchange a good conscience for a bishopric*;" but the most forward to testify their loyalty, were, Sibthorp, vicar of Brackley, in Northamptonshire, and Dr. Roger Manwaring, one of his majesty's chaplains in ordinary, and vicar of the parish church of St. Giles in the Fields. The first composed, preached, and subsequently published in print, a sermon on the occasion, in which he says, "that it is the duty of the prince, who is the head, and makes his court and council, to direct and make laws, Eccles. viii. 3, 4. "He doth whatsoever pleaseth him. Where the word of a

* Rush. vol. i. p. 419. *et seq.* Whitelocke, p. 7. *et seq.* Straff. Let. and Disp. vol. i. p. 36. *et seq.*

† Heylen's Life of Laud, p. 161, *et seq.* Laud's Diary.

king is, there is power, and who may say unto him what doest thou?"—In another place he says, "if princes command any thing which subjects may not perform, because it is against the laws of God or of nature, or impossible; yet subjects are bound to undergo the punishment without either resistance, or railing, or reviling, and so to yield a passive obedience where they cannot exhibit an active one. I know no other case, but one of those three, wherein a subject may excuse himself with passive obedience; but, in all others, he is bound to active obedience*." Manwaring preached two sermons to the same purpose before the king and court. He maintained that the king is not bound to observe the laws of the realm: that his royal will and command in imposing loans and taxes, without the common consent in parliament, obliges the subjects' consciences upon the pain of eternal damnation: That those who refused to comply with the royal demand, offended against the law of God, and the king's supreme authority, and became guilty of impiety, disloyalty, and rebellion: That the authority of parliament is not necessary for the raising of aids and subsidies; it is not ordained to confer any right upon kings to receive tribute; that is due to them by natural and original law and justice; but meetings of it are only held for the more equally imposing, and exacting subsidies†. Sibthorp's ser-

* Rush. vol. i. p. 422. Whitelocke, p. 8.

† Rush. vol. i. p. 422-3. Heylen's Life of Laud, p. 167. Whitelocke, p. 8. Hacket's Life of Williams, part. ii. p. 74. Manwaring's impiety was as gross as his politics were servile. He says, "That of all relations, the first and original is between the creator

mon could not properly be published without a license. The duty of authorizing publications was vested in the primate, but he generally deputed such matters to his chaplains. In this instance, however, Charles, who conceived that the name of a popular arch-bishop would both sink that prelate's influence, and promote the royal object, insisted that the primate should licence the sermon with the authority of his own name. But Abbot no sooner inspected the production, than he protested against the doctrine, and refused his sanction. The king sent to him repeated messages to obey his commands, and intimated that, if the prelate continued obstinate, he would take another course with him. Abbot persisted in refusal, and, therefore, he was suspended from the exercise of his office, which was put into commission, banished London, and confined to his country-house *. But his majesty's disappointment in this quarter was amply recompensed in another: Laud crowned his efforts on that head, by licensing this and other productions †.

and the creatures; the next between husband and wife; the third between parents and children; the fourth between lord and servants: From all which forenamed respects, there did arise *that most high, sacred, and transcendent relation between king and subject.*" "A strange expression," observes Hacket, "which calls the last a transcendent relation, arising out of all the former, when the first is between the Creator and the creature. God is a great God, a king above all Gods." *Ib.* Hacket observes, that "the venom of the new doctrine would have reduced the people to the state of Turkey," p. 76—78.

* Rush. vol. i. p. 431. *et seq.* Abbot's Narrative, *id.* Heylen's Life of Laud, p. 170.

† Rush. vol. i. p. 444. See also p. 440. MSS. in Lambeth Lib. No. 943. p. 567.

The extreme love of power, like other violent passions, generally defeats its own object. Charles encouraged high-church doctrine, because it inculcated passive obedience, and yet, by thus protruding it on every occasion as a dirty tool of state, he brought upon it new odium as a naked instrument of tyranny, which all, who regarded the national rights, were bound to resist. Men had, in a religious view, been disgusted at an insidious proceeding immediately after the dissolution of the late parliament, and this increased their discontent, by fully unveiling the principles which governed the religious councils of the prince. A proclamation, under the pretext of preserving the peace of church and state, had then been issued, by which the people were prohibited, by threats of exemplary punishment, from raising, publishing, or maintaining, either by writing, preaching, conferences, or otherwise, any other opinions concerning religion than such as were clearly warranted by the doctrine and discipline of the church of England, as established by authority. "The effects of this proclamation," says Rushworth, "how equally soever intended, became the stopping of the Puritans' mouths, and an uncontrolled liberty to the tongues and pens of the Arminian party." The Puritans too, a wide and comprehensive class, grudged to find that, while they were so hardly dealt with, contrary to law, all the penal statutes against Catholics, which Charles had pledged himself to enforce, were eluded, by a commission to compound with recusants at easy rates, whereby, the royal coffers

were supplied, and the obnoxious body favoured*.

Imprison-
ments, &c.
for refusing
the loan.

The court divinity no more satisfied the judgment of the people than cruelty broke their spirit. Though some obtained relief from imprisonment by submission, there were others who determined to appeal to the laws of their country. Sir John Elliot petitioned the king against so gross an infringement of public rights†, and five gentlemen of distinction, imprisoned for refusing the loan, determined, by taking out writs of habeas corpus in the King's Bench, to ascertain whether the sworn guardians of the law would deny its protection. The result proved the melancholy truth, that a corrupt government pollutes every branch of administration. Sir Randolph Carew was punished for his integrity, by removal from the office of chief justice, and it was bestowed upon Sir Nic. Hyde, as a return for his dexterity in drawing the Duke's answer to the impeachment, and as a place where he might have a field for the exertion of his talents in support of the prerogative. This individual delivered the opinion of the court, which at once swept from the people every hope of a legal remedy, and in that respect, left them as defenceless objects of tyranny as the inhabitants of Turkey: "That the return was positive and absolute by the king's special command; and the signification of it by the lords of the council is only to inform the court; and that the *habeas corpus* is not

* Rush. vol. i. 412. *et seq.*

† Id. 420. *et seq.*

to return the cause of the imprisonment, but of the detention in prison: That the matter of the return is sufficient, the court is not to examine the truth of the return, but must take it as it is." But this misguided monarch had sagacity at this time to perceive that, without the support of a military force, such a system could not be maintained, and therefore, as we shall afterwards see, he hastened to introduce foreign troops into the kingdom *.

Luckily, however, for England, the favourite's private interests and passions defeated the intentions of the court, by involving it in new difficulties. Charles ought, in policy and consistency, to have dropt all schemes of foreign conquest, as these necessarily interfered with his projected conquest over the privileges of his subjects. But Buckingham, who fed his master's passion for power, by boasting that he would make him the greatest monarch in Europe †, not only continued the war with Spain, but led him into unprovoked hostilities with France. The motives assigned by historians for this war are, perhaps, the most singular that occur in the annals of mankind. Buckingham having been sent to France to conduct Henrietta to England, appeared there in all the lustre with which the wealth of his country could adorn him, and even outshone the whole French court in their own peculiar vanities: His beauty, dress, and manner, attracted the eyes of all, and such was the

War with
France, and
the causes.

* Rush. vol. i. p. 458. *et seq.* Whitelocke, p. 8. Howell's State Trials, p. 1. *et seq.*

† Hacket's Life of Williams, part ii. p. 65.

unmeasured presumption of the man, that he dared "to fix his eyes upon, and dedicate his most violent affection" to, the young queen of France, Ann of Austria, (who would appear not to have had the strictest notions of conjugal fidelity,) "and to pursue it with the most importunate addresses." But he had, in a quarter where it was least to have been expected,—Cardinal Richelieu himself, whose calling, age, and station of prime minister, ought to have saved him from the merit of such a reproach—a rival, who watched his motions with unceasing jealousy; and when Buckingham, after having left the French court with Henrietta, and proceeded so far on his journey, secretly returned to visit his illustrious mistress, he received a hint that, if he did not desist from his purpose, he should be immediately assassinated. The intelligence so transported him with passion, that he swore "on the instant, that he would see and speak with the lady in spite of the strength and power of France."

On this occasion he was successful: men who are so abandoned as to undertake assassination, will of course accept of greater hire to betray their employer, and in this instance, the instruments of Richelieu must have known that the death of the English favourite would be keenly prosecuted by the court that sent him, and that they would most probably be sacrificed by that crafty Cardinal, to preserve his own character and safety, as well as those of the nation. The duke therefore procured access to the queen, who affected surprise and in-

dignation at his passionate addresses, but whose gentle reproaches at dismissing him, only indicated the impure flame that burned within her. The interview, however, was short and unsatisfactory, and he endeavoured to obtain a pretext for another visit to the French court. But all his overtures were rejected, and therefore he is supposed to have immediately determined upon plunging the two countries into all the horrors of war, that, after multiplied victories, the French court should sue for peace, when they would no longer reject him as a negotiator. "Henceforth," says Clarendon, "he took all ways he could to undervalue and exasperate that court and nation:" and lest the young queen's interest with her husband should thwart his designs, "he took great pains to lessen the king's affections towards her," while he treated herself with downright brutality. One day that he supposed her Majesty had shewn some disrespect to his mother, by not calling upon her at a certain hour, according to her promise, for which she had a good excuse, he entered her chamber in high choler, and after some rude expostulations, "told her she should repent it." The queen answered with some quickness, when he audaciously replied, that "there had been queens of England who had lost their heads."—Much has been already said of the influence of the duke over Charles; and that minion's success in engaging him in the French war, is another proof of this unlimited ascendancy. But domestic history affords so many instances of ill-disposed, confidential as-

sociates, having destroyed the conjugal felicity of newly married couples, that we cannot much wonder at the effects of Buckingham's interference here, especially as Henrietta's violent temper, and the conduct of her servants and attendants, gave such an advantage over her. Matters proceeded to that extremity, that she wished to return to her native country, and the duke had the assurance to propose himself as her conductor. But his proposal was indignantly rejected by the French court, a circumstance which is alleged to have farther confirmed his intention of a war*.

* The authorities for this narrative are chiefly Clarendon and Mad. de Motteville, whose opportunities of knowledge (the latter was a confidential attendant of the French queen) were of the best sort. Their accounts do not quite cohere; but I have weaved them together, as I think they can be easily reconciled. Clarendon says that Buckingham was deterred from his intended visit to the Queen when he returned to court, after having left it with Henrietta. De Motteville describes the interview, in which she could not be mistaken, but says nothing of the threatened assassination. But as the assassins must have reported a false tale to Richelieu, I conceive that Clarendon took his account from the cardinal's confidants, who were imposed upon, while De Motteville took hers from the queen's mouth. See Clarendon's hist. vol. i.—Mem. par Mad. de Motteville, tome I.—See papers in the appendix to Ludlow's Memoirs, about the domestic quarrels between Charles and his Queen. Hardwick's State papers, vol. ii. p. 2. *et seq.* Nani Liv. vi. anno 1625. Aysc. MSS. Brit. Mus. No. 4161. vol. ii. Let. by Sir J. Mead, 2d July 1625, 28th June 1626. Scott's Somers' Tracts, vol. iv. p. 88. Howell's Fam. Let. p. 177 and 8. From the following letter of Charles to his favourite, the mild, composed temper ascribed to him, may be doubted, "Steinie, I have received your letter by Dic Greame. This is my answer. I command you to send all the French away to-morrow out of town: If you can by fair means, but stick not long in dispatching, otherwise force them away like so many wyld beastes, untill ye have shipped them, and so the devil go with them. Let me hear no more answer, but of the performance of my command; so I rest your faithful and constant

The facts narrated above rest upon too good authority to be disputed. But, though such be the cause alleged for the war by Clarendon, who yet condemns the parliament for its reluctance to consign the public treasure to such hands, it is incredible Buckingham should have been actuated by motives so insane; and, if he had, he necessarily confined them to his own bosom, and must have pretended others to his master. We are, therefore, left to conjecture his motives, and more substantial ones can easily be found. Indeed, if the time of the loan of ships to France be considered, it will shake our credit in the motives imputed by historians; for it was posterior to the time he is alleged to have made so silly a threat. The occasion of his journey to Spain, and the breach of the treaties, has already been developed, and we apprehend, though other motives were superadded, that a similar jealousy mainly actuated him now. Henrietta was strongly inclined to bustle and intrigue in affairs of state; and this could not fail to receive encouragement both from her native court, and her own followers. From the first, that they might obtain influence through her over the British Cabinet: From the last, that she might be in a situation to reward their services. Many younger sons of good families had accompanied her, from the hope of making their fortunes in England, and

the ships were sent against Rochelle, the French friend, Charles R. Oaking, 7th Aug. 1626." Ays. MSS. Brit. Mus. No. 4161. vol. ii. Abbot describes Buckingham as being in a perpetual fever of jealousy. Knowing that he stood by the royal favour alone, he trembled at the idea of any one of the least influence gaining access to the king's ear. See Nar. in Rush. vol. i. p. 445.

at first they drained the royal coffers *. Largesses to them, however, augmented the necessities of the throne, and consequently the dangers which beset the favourite, while they bereft him of the means of gratifying his cupidity, or rewarding dependants, whose attachment was necessary to his safety. This produced a clashing of interests, and awakened the minion's jealousy, while his situation could not admit of a rival. Unlike Laud and Strafford afterwards, he could not act a subordinate part, or submit to a participation of power. All the public offices were filled by his creatures, who laboured assiduously to promote his greatness, that they might advance their own. But if Henrietta gained the confidence of her husband, this immense patronage must cease, and he had already felt that those on whom he had showered down the choicest favours, would not scruple to forsake a falling man. Such an event, however, must be productive not merely of loss of power, but of absolute ruin to one whom all the influence of the crown had scarcely, hitherto, been able to rescue from destruction. It is not wonderful, therefore, that an individual so unprincipled, should have laboured to alienate the king's affections from his consort, to cut off her intercourse with the French court, and to remove her attendants, whose insolence and intrigues justified Charles for, in this re-

* Hacket says that afterwards "the French hangers-on in the court devoured so much, that all Juxon's thrift, which amassed much, was gulped down by these insatiable sharks." *Life of Williams*, part ii. p. 96. *Rush*. vol. i. p. 424. *Whitelocke*, p. 48. *Howell's Fam. Letters*, p. 183.

spect, violating the marriage articles. Her priests had even brought a reproach upon the kingdom, by enjoining as a penance, that she should walk barefoot to Tyburn, out of respect to the memory of jesuits who had suffered there by the hands of the executioner, and whom they affected to regard as martyrs, though, as there had scarcely, if ever, been an instance of any one suffering for religion alone, they must have ill deserved that character. The rivalship in love between Richelieu and the duke might, in one respect, contribute to embroil matters, as it might lead the first to interfere more eagerly, through the Queen, in English affairs, and make the latter more apt to suspect his intrigues. But, on the other hand, Buckingham had in a matter, which had brought upon him the general resentment of his countrymen, been overreached by the crafty cardinal, who then entirely ruled the French affairs, and he probably expected by hostilities to redeem his character, and exact revenge. The insidious policy of the French court, had mainly occasioned the ruin of Mansfield's army, by denying a passage through their territory, which, if it were not distinctly promised, was yet indirectly held out. This was overlooked at the time, in the eagerness for the match; but the after conduct of that court revived the circumstance with resentment*. When the ships were lent against Rochelle, the French

* Rush. vol. i. p. 154. This was assigned as one of the causes of the war. Id. p. 424.

court had, to induce the loan, engaged to co-operate in the war against the house of Austria. But this never had been seriously intended, and all the visions, of covering the baseness of the act by the brilliancy of military achievements, were disappointed, while, at the very moment the popular fury in England raged highest against the favourite, it was with difficulty that the ships could be recovered. In this extremity Charles interposed to mediate a peace between the French king and his Protestant subjects; but, though he succeeded, the terms granted neither satisfied the English, nor secured the Huguenots, for whose absolute subjection Richelieu was secretly preparing the means. The duke, therefore, probably flattered himself with the hope of recovering his popularity, by declaring war against France, in favour of the Huguenots, while he, at the same time, removed the immediate cause of danger to himself, from French intrigues through the queen, and gratified his revenge against the cardinal. It is said that a French abbot, related to the duke of Orleans, and who acted out of resentment to the cardinal, had much influence in instigating Buckingham to the war*.

To provoke a declaration of hostilities on the part of France, Buckingham encouraged the capture of her vessels, while he dismissed the queen's attendants with ignominy, and sheltered refugees.

Soubieze
arrives in
England to
encourage a
war.

But the first only provoked reprisals; the others were disregarded. In the mean time, Soubieze,

* Rush. vol. i. p. 424.

who, with his brother the duke of Rohan, was at the head of the Protestant party in France, having been apprized by the abbot alluded to, of the change in the sentiments of the British cabinet, arrived in England for the purpose of encouraging a war with France. He represented that, if Richelieu succeeded in his design against the Huguenots, there would no longer be a counterpoise to the catholic interest in Europe ; and that then, in the coalition of the House of Austria with France, the safety of England would clearly be endangered *. The reasoning was plausible, but better calculated for the people, who had taken the same view from the beginning, than for their king, whose policy had been so opposite : Yet it succeeded with the court at this period. Rohan engaged to raise four thousand foot, and two hundred horse, to co-operate with the English army the instant it landed, and Buckingham was impatient for hostilities. Finding, therefore, that the vexatious arts to provoke the French had failed, he determined to waste time no longer ; and that there might be no room on this occasion for condemning him as lingering at home, while, as high admiral, he entrusted the fleet to others, he resolved to undertake the command of both the army and navy himself.

The duke, having prepared a hundred sail, of which, however, ten only were of the royal navy, with six or seven thousand land forces, sailed from Portsmouth on the 27th of June, under the pre-

Buckingham undertakes an expedition to the French coast, 27th June, 1627.

* Rush. vol. i. p. 424.

text of relieving the Palatinate, and, towards the latter end of July, appeared before Rochelle: and it is singular, that the manifesto which he published of the causes of the war was in his own, and not his master's, name. But matters had been so ill-concerted, that the inhabitants shut their gates against him; alleging, that however grateful to the English court for its offer of succour, they were obliged to decline its interposition, as they were bound by oath of union not to act without the general consent of the Protestant body in France. The French court had already an army on the march to Rochelle; there was a hostile party in the town; and the well-affected, who, in all probability, had no confidence either in the steadiness or talent of Buckingham, dreaded lest a recourse to arms should only provoke fresh vengeance from a powerful government. But Soubieze, who engaged to raise a small army, successfully laboured to overcome their aversion again to try the fortune of war in an attempt to establish their independence, and received private assurances that they would preserve the city for the English, and assist them with supplies, if they remained in the neighbourhood. After these assurances, Buckingham consulted with Soubieze, whose knowledge of the coast rendered his advice of great consequence, regarding the post to be occupied till the citizens were prepared for action. His choice lay between the Isle of Oleron, and that of Rhee; and himself proposed the first, as being both near Rochelle, weakly garrisoned, and

plentifully stored with wine, oil, and other commodities, while the other was more distant, had a citadel well fortified, and was provided with a considerable force both of cavalry and infantry. Soubieze approved of his choice, yet, before giving a definitive opinion as to the plan of operations, went to consult with the citizens, that they might act in concert.

Buckingham did not wait for his return; but, with that fickleness of temper and unaccountableness of purpose which marked his general conduct, directed his course to the Isle of Rhee. His landing there was keenly opposed; but, after a desperate conflict, in which the English displayed gallantry that even the enemy paid a tribute of praise to, the French were obliged to retire; and, had the Duke followed up his first success, the island must have surrendered. Such an event would have been productive of a great change in French affairs, for the King had fallen sick, and the court was rent into factions, while the bare apprehension of losing the island was such, that honourable terms were offered to the Huguenots, on condition of their not joining the English. But Buckingham, as if he disdained to take an advantage, instead of prosecuting his success, allowed the enemy five whole days to recruit themselves with fresh forces from the Continent, and prepare the principal fort, St. Martin's, for a siege. In marching up to St. Martin's at last, he neglected, as unworthy of notice,

Attacks the
Isle of
Rhee.

a small fort, La Prée or Meadow-castle, which, while it could have been demolished without difficulty, proved afterwards of mighty consequence in obstructing his retreat. Instead of vigorous measures against St. Martin's, even after he had reached it, he allowed himself to be amused with offers of capitulation, till the garrison was supplied with additional forces, and the sick and the wounded removed, by means of small craft, which stole over from the main-land during the night, in spite of all his hundred sail. When he fondly imagined that he had nearly starved them into a surrender, they insultingly displayed all kinds of provisions from the walls. In the mean time Rochelle is blocked up by the French King, and too late declares for the English. It was essential to their safety, therefore, that the island should now be taken; and as Buckingham had already received a reinforcement of 1500 men, and daily expected the Earl of Holland, with additional forces, Soubieze urged with reason, that the attempt against St. Martin's should not be abandoned—that it was, in spite of the politic appearances to the contrary, in reality so ill supplied, that, with the expected reinforcement, it must inevitably yield; and that abandoning the attempt now must be fatal to Rochelle. Buckingham, however, neither followed this salutary counsel, nor awaited the arrival of the Earl of Holland, but “begins to batter the citadel, then proposeth to go away, then alters his resolution, and storms the fort, but in

Buckingham resolves to abandon his design, Nov. 8th, 1627.

vain, whereupon he raises the siege, and retreats towards the ships *."

By this time the small fort that he had neglected, was properly garrisoned by forces from the main-land, and a new route was necessary in the retreat. It lay partly along a narrow mound or causeway, which afforded the only passage, amongst deep salt-pits or rather marshes; and was terminated by a bridge that joined the small island of Oie to that of Rhee. Buckingham neglected to raise a fort at the entrance, and another at the bridge, though they were both in his power. The enemy hung upon the English rear; yet, though the duke repeatedly offered them battle on equal ground, they declined the engagement till the English were on broken ground, and the greater part had entered the narrow causeway. Every kind of disposition to resist the enemy in this situation had been overlooked, and the cavalry, which covered the retreat, and could not operate on such ground, being violently attacked, were driven precipitately amongst the foot, whom they trampled down, or so crowded together, that they pushed each other into the ditches and salt-pits. All this time the van was ignorant of what had occurred in the rear: But as no sufficient provision had been made to secure the passage over the bridge, the enemy obstructed it from the opposite side, while the rear was still galled. The obstruction in the van was soon overcome, and the portion of the army that

* Whitelocke, p. 8.

passed the bridge was saved: But, during its continuance, the rear was so dreadfully assailed, (and from the total absence of all military skill, as well as the want of a fort at the entrance of the causeway, it was quite defenceless,) that the soldiers tried to save themselves by crowding still more together, while the horse continued to trample down the foot: many were slain by the enemy, but far more trodden to death, or thrown into, and drowned, in the ditches and salt-pits*. “Noble and ignoble,” says Clarendon, “were crowded to death, or drowned without the help of an enemy; and,

* *Arcis Sam-Martinianæ Obsidio et fuga Angl. a Rea insula* Script. Jac. Isnard. *Expositio in Ream Insulem* Auth. Ed. Dom. Herbert. Rush. vol. i. p. 425, *et seq.* 462, *et seq.* Heylen’s *Life of Laud*, p. 169. Balfour’s *Annals*, MS. Adv. Lib. Hardwicke’s *State Papers*, vol. ii. from p. 13 to 53. “I have set three main projects a-foot, besides many small,” writes Charles to Buckingham, 13th Aug. 1627, “*mint*, increasing of the customs by imposing on the book of rates, and raising of a bank. The two first I shall certainly go through withal; the last is most difficult, but I have good hopes of it.” P. 14. I presume that, by the mint, he meant a debasement of coin, a project which had been entertained the preceding year; but from which the king had been dissuaded by Cotton. Aysc. MSS. Brit. Mus. No. 4161. vol. ii. Letter, September 18, 1626. Parliament has been condemned for refusing to pass a bill for tonnage and poundage for the king’s life; but from this fresh projected scheme of raising the customs it was absolutely necessary.—After all the duke’s ill success, Charles writes to him, that with whatever success he came he should be ever welcome, “one of his greatest griefs being, that he was not with him in that time of grief, as they might have much eased each other’s griefs;” and that he, the duke, had “gained in his mind, as much reputation as if he had performed all his desires,” p. 20.—Strafforde’s *Letters and Dispatches*, vol. i. p. 41, Letter from Denzil Hollis to Wentworth. Nani Liv. vi. an. 1627. Charles did not wish the manifesto to be confined to the alleged injury to the Protestant interest, as he might alter his counsels. Hardw. vol. ii. p. 14.

as some thousands of the common men were wanting, so few of those principal officers who attained to a name in war, and by whose courage and experience any war was to be conducted, could be found. The effects of this overthrow," continues the noble historian, "did not at first appear in whispers, murmurs, and invectives, as the retreat from Cadiz had done; but produced such a general consternation over the face of the whole nation as if all the armies of France and Spain were united together, and had covered the land*."

The public calamities were aggravated by the state of the English shipping: a vast number of vessels had either been lost or captured during the last three years, and the merchants declined to build more, because their ships were impressed into the king's service at low rates, which were not even paid; and the enemy came into the British harbours, and surveyed the rivers, while the very fishermen durst scarce look out †. Then mutinies in the fleet and army, under the pretext of want of pay, but in reality from detestation of the service, and the duke's authority, followed this ill success: and the attempt to recruit the army by impressment was opposed as illegal. In former times, as we have elsewhere shewn, soldiers were impressed from amongst the lowest classes, who were not themselves in a condition to resist authority, and whose cause the higher ranks, being personally exempted from the evil, did not support. But,

* Clarendon, vol. i. p. 40-1. † Rush. vol. i. p. 466.

now that men of consequence in the community were subjected to this grievance, for resisting the arbitrary impositions of the prince, they taught the lower classes to stand upon their privileges, and appeal to the laws. They now, therefore, opposed the impress, and "this," says Clarendon, "produced a resort to martial law, by which many were executed, which raised an asperity in the minds of more than of the common people." "And this distemper," continues he, "was so universal, that the least spark meeting with combustible matter to make a flame, all wise men looked upon it as the prediction of the disturbances and dissolution that would follow*."

The general discontent was farther inflamed by the maintenance of a large military establishment in the heart of the kingdom, during the winter months, when there remained no longer the pretext of any foreign expedition for continuing it: and the proceeding itself was aggravated beyond measure by the manner, the soldiers being quartered on the inhabitants, even by way of punishment, as we have already related, and breaking out into every kind of disorder. Hence the great antiquary, Sir Robert Cotton, (who, though he had been threatened the preceding year with being

* Clarendon, vol. i. p. 41. Even in March before, it was debated at the council-table, whether the Essex-men who refused the press-money, should not be punished by martial law, and hanged on the next tree to their own dwellings. But the Lord Keeper dissuaded from it as illegal. Aysc. MSS. Brit. Mus. No. 4161. vol. ii. Letters of Sir J. Mead. Let. 24th. March 1626-7.

deprived of his books, because he was accused of imparting ancient precedents to the Lower House*, was consulted by the king upon the state of affairs about the end of January,) after having enumerated the causes of discontent, observes, that “These dangerous disasters to the people are not a little improved by the unexampled course, as they conceive, of retaining an inland army in winter season, when former times of general fear, as in 1588, produced none such; and makes them, in their distracted fears, to conjecture idly, it was raised wholly to subject their fortunes to the will of power rather than of law, and to make good some farther breach upon their liberties at home, rather than defend us from any force abroad †.”

* Id. Let. 26th May, 1626.

† Rush. vol. i. 471. See whole speech, from page 467 to 472. Mr. Hume has, in order to throw additional blame upon the Parliament for their reluctance to grant supplies, alleged that they were not aware of Buckingham's mistatement about the Spanish treaties; but the sentiments repeatedly expressed by the Commons, disprove that idea, and did doubt remain, it would be removed by this speech of Sir R. Cotton. For his notion, which is unsupported by authority, Mr. Hume alleges two grounds:—the one, that the articles of impeachment by Bristol were not adopted by the Commons;—the other, that Sir Simon D'Ewes, long afterwards, in a speech against Spain, alluded to the treachery of that court on the former occasion. But, with regard to the first, it was proper to keep the two charges against the Duke distinct, as the Lords might have taken advantage of a failure in any article to dismiss the whole, and the Commons could not have adopted that by Bristol, unless he had dropt the prosecution at his own instance, since no man is bound to answer the same charge before the same tribunal, from two quarters at once: as for the speech by D'Ewes long afterwards, it must either be attributed to his peculiar ignorance, or, as is far more likely to be the

A Parlia-
ment re-
solved up-
on, Jan.
29th, 1628.

The inhabitants of Rochelle, now exposed to the brunt of a war into which they had been inveigled by the machinations of the English court, earnestly pray for relief: The pecuniary difficulties of the government daily augmented, for the expenditure had been immense, and illegal ways of raising money unproductive, in comparison of the discontent they occasioned; and as the cry of disaffection hourly increased, the advice of Sir R. Cotton to call a parliament, and to let the duke appear forward in recommending it, was adopted, and writs were issued for the 17th of March following. To soften the general resentment, the imprisoned gentry of distinction, to the number of seventy-six, amongst whom was the illustrious Hampden, were liberated from confinement; while orders were transmitted to the lord mayor and aldermen of London, to use moderation in exacting the loan from such of the citizens as declined payment: With the same view also, writs were sent to the archbishop of Canterbury, the earl of Bristol, and Williams, bishop of Lincoln. But the different shires and boroughs, considering them who had suffered persecution for resisting usurped authority, the most likely to stand forward, the fearless advocates of public privileges, every where elected them that had been imprisoned for refusing the loan.

truth—to policy. He, with many others, abhorred the connection with Spain, and in arguing the case, he assailed the court party with their own weapons, by taking the previous statements from the Crown as correct.

Having thus returned to a constitutional course, it might have been expected that Charles would have at least postponed any new arbitrary device till he had fairly tried the temper of the legislature ; yet, without even considering that concealment in great affairs, is, generally speaking, impracticable, he granted a commission to certain privy counsellors to consider of raising money by impositions or otherwise, “ wherein form and circumstance must be dispensed with, rather than the substance be lost *.” Many projects were, in consequence, debated at the council-table, amongst others ship-money, but, at last, the determination of the matter was deferred till the result of the ensuing parliament were ascertained. But as Charles clearly perceived that, in order to assimilate the government to that of France, he required, like it, the assistance of a mercenary army, he secretly gave orders, and remitted money to the Continent for providing arms, and raising German troops to be transported into England, in addition to the force so unusually kept up in the bowels of the kingdom. Mr. Hume, from the limited number of the foreign troops to be raised, which he states to have been a thousand horse, without hinting that arms were likewise ordered for ten thousand foot, seems, by pronouncing the force insufficient for the purpose, to insinuate a doubt as to the king’s intention, though he does not pretend to explain upon

* See Commission in Rush. vol. i. p. 614. Rush. Id. p. 474.

what principle foreign troops were to be clandestinely introduced into the kingdom. But, in the first place, the learned author appears to have overlooked the fact, that there was then a considerable army retained in England contrary to all law and precedent: In the second place, he had not attended to the very authority to which he refers, otherwise he must have at once observed that it was not the royal intention to be satisfied with a thousand horse. The privy seal commands the treasurer, &c. of the Exchequer, “to pay, or cause to be paid, unto Philip Burlemach of London, merchant, the sum of L.30,000, to be paid over by bill of exchange into the Low Countries and Germany, unto our truly and well beloved Sir William Balfour, Knt. and John Dolbier, Esq. or either of them, for levying and providing certain numbers of horses, *with arms for horse and foot*, to be brought over into this kingdom for our service, viz. for the levying and transporting of one thousand horse, L.15,000, for five thousand muskets, *five thousand corslets, and five thousand pikes* L.10,500; and one thousand cuirassiers complete, two hundred corslets and carbines, L.4500 *.” Burlemach the agent, a Dutchman, who had been naturalized by statute in the preceding reign, was examined upon this business before the Commons, and he “confessed that he had received L.30,000 by privy seal for the buying of horses, *that one*

* Ib.

thousand of them are levied ; that those horses with their riders, are to come over, and arms are provided for them in Holland †.” This implies, that the thousand horse yet raised were only a *part of that species of military intended* ; and as Burlemach still retained the confidence of the court, his testimony in regard to it cannot be suspected. In the last place, it should never be forgotten, that Charles had already proceeded to the most constitutional lengths, without the help of this instrument of arbitrary power ; that Mr. Hume himself, in narrating the events recorded above, admits, that had this monarch “ possessed any military force on which he could rely, it is not improbable that he would have at once taken off the mask, and governed without any regard to parliamentary privileges ;” and that, so misguided was this unhappy prince, that he subsequently took off the mask in good earnest, and went to the most odious extremities, unsupported by military force. But, indeed, it must be perfectly obvious that, as Charles had issued a commission for excise, in order to supersede the legislature, on the only ground upon which he shewed himself at all disposed to submit to parliamentary proceedings, he had necessarily resolved upon carrying his measures by violent courses ; and that, when force is resorted to, it is either calculated to be sufficient for the occasion, or is intended to be augmented.—Such were the feelings of this prince, that in the preceding year,

* Rush. vol. i. p. 612.

when a parliament was proposed at a meeting of the council, he said that "he did abominate that name *."

* Aysc. MSS. Brit. Mus. No. 4161. vol. ii. Letter from Sir J. Mead, 30th September, 1626. Much has been said about parliament having advised the war for the recovery of the Palatinate, and Charles himself constantly harped upon that string, yet the idea he entertained of parliamentary interference, even in his father's time, may be conceived from a letter that he wrote to Buckingham, in which he says "that the subsidy granted by Parliament is not so great a matter, as that the king need be indulgent over them for it." Yet," continues he "on the other side, *for his reputation abroad at this time*, I would not wholly discontent them: therefore, my opinion is, that the king should grant them a session at this time; but withal I would have him command them not to speak any more of Spain, whether it be of that war or of my marriage." Hardw. vol. i. p. 456. Yet to gratify his own and his minion's passions, Charles deigned to use this assembly to controul the throne!

CHAPTER III.

From the Assembling of the Third Parliament to its Dissolution; including the various transactions of that Parliament, as the Petition of Right, &c.—The Assassination of Buckingham by Felton, during the Prorogation, &c. the fate of Rochelle; the Re-meeting of Parliament, and dissolution, with the imprisonment of Members of the Lower House, and the death of Sir John Elliot in Prison.

IN this perturbed state of the public mind, parliament assembled. Nor was the nation discontented without cause. At home, the will of the prince had been substituted for law; money having been illegally extorted; the personal liberty of the subject invaded, and legal redress denied; soldiers, chiefly Scots and Irish, and many of them papists, who committed every disorder, quartered unlawfully, even by way of punishment, upon the inhabitants; nay, martial law itself resorted to, for the purpose of enforcing obedience to usurpations upon freedom: Abroad, the foulest discomfiture had tarnished the glory of British arms; commerce was suspended; and the Protestant interest, which formed a pretext for the war, irretrievably injured. But it redounded in no small degree to the honour of parliament, that the repre-

March
17th, 1628.

sentatives of the people, while they were imbued with, and expressed, the common feelings, as they had participated in the sufferings, proceeded to the discharge of their legislative duty with that deliberative calmness which their situation demanded.

Charles, on the other hand, shewed, in his address to parliament, that though he condescended to summon it as the easiest way to accomplish his purpose, he did not conceive himself bound by the divine nature of his office, to draw supplies from the people, only through that medium. After alluding to the dangers from France and Spain, which he alleged threatened the country, he says, “ I therefore, judging a parliament to be the ancient, speediest, *and best way*, in this time of common danger, to give such supply as to secure yourselves, and to save our friends from imminent ruin, have called you together. Every man now must do according to his conscience: *Wherefore*, if you, as God forbid, should not do your duties in contributing what the state at this time needs, *I must, in discharge of my conscience, use those other means which God hath put into my hands, to save that which the follies of particular men may otherwise hazard to lose. Take not this for a threatening, for I scorn to threaten any but my equals; but an admonition from him, that both out of nature and duty, hath most care of your preservations and properties.*” The lord keeper, after assigning reasons for the necessity of an immediate supply, through the exhausted state of the treasury, and

the situation of Europe—the house of Austria daily rising into more alarming power; and France, swayed entirely by a popish faction, which had broken faith with the Huguenots—reminds the two houses, that aids granted in parliament were most agreeable to the people; and informs them that “just and good kings, finding the love of their people, and the readiness of their supplies, may the better forbear the use of their prerogatives, and moderate the rigour of the laws towards their subjects. This way, as his majesty hath told you, he hath chosen, *not as the only way, but as the fittest; not as destitute of others, but as most agreeable to the goodness of his own most gracious disposition, and to the desire and weal of his people. If this be deferred, necessity and the sword of the enemy make way to the others. Remember his majesty’s admonition; I say, remember it.*”

The commons were extremely unfortunate in the choice of their speaker, Sir John Finch, an individual disposed to purchase court preferment at any price, and who, therefore, in his address to the throne, upon being approved of by his majesty, gratified the royal ears with doctrine which justified all the king’s pretensions.

The commons, after they had appointed committees, &c. entered at once upon the state of the kingdom, in regard to benevolences, forced loans, arbitrary imprisonments, billeting soldiers, &c. and evinced a resolution not to grant supply till these grievances were repressed. The business was opened by Sir Francis Seymour, who spoke

thus: " This is the great council of the kingdom, and here, if not here alone, his majesty may see, as in a true glass, the state of the kingdom: We are called hither, by his writs, to give him faithful counsel, such as may stand with his honour; but that we must do without flattery: and being chosen by the commons to deliver up their just grievances, this we must do without fear: Let us not be like Cambyses' judges, who, being asked by him concerning something unlawful, said, though there was no written law, the Persian kings might do what they listed. This was base flattery, fitter for reproof than imitation; and as flattery, so fear, taketh away the judgment. I shall shun both these, and speak my mind with as much duty to his majesty as any man, not neglecting the public. But how can we speak of our affections while we retain our fears, or speak of giving, till we know whether we have any thing to give? For if his majesty may be persuaded to take what he will, what need we give? That this hath been done, appeareth by the billeting of soldiers; a thing nowise advantageous to his service, and a burthen to the commonwealth; the imprisonment of gentlemen for the loan, who, if they had done the contrary for fear, their faults had been as great as theirs who were the projectors of it. To countenance those proceedings, hath it not been preached in the pulpit, or rather prated, 'all we have is the king's *iure divino*.' But when preachers forsake their own calling, and turn ignorant statesmen, we see how willing they are to change a good con-

science for a bishopric. It is too apparent the people suffer more than ever: Will you know the reason? We shall find those princes have been in greatest wants and necessities, that have exacted most of their subjects. The reason is plain: A prince is strongest by faithful and wise counsel: I would I could truly say, such had been employed abroad. I speak this, to shew the defect proceeded not from this house. I must confess he is no good subject that would not willingly lay down his life, when the end may be the service of his majesty and the good of the commonwealth: But he is no good subject, but a slave, that will let his goods be taken from him against his will, and his liberty against the laws of the kingdom. In doing this we shall but tread in the steps of our forefathers, who still preferred the public interest before their own rights, nay before their own lives. It will be a wrong in us, to our posterity, to our consciences, if we shall forego this."

"I read of a custom," said Sir Robert Philips, "among the old Romans, that once every year they had a solemn feast for their slaves, at which they had liberty, without exception, to speak what they would, thereby to ease their afflicted minds; which being finished, they severally returned to their former servitude. This may, with some resemblance and distinction, well set forth our present state; where now, after the revolution of some time, and grievous sufferance of many violent oppressions, we have, as those slaves had, a day of liberty of speech; but shall not, I trust,

be hereafter slaves, for we are free: Yet what new illegal proceedings our states and persons have suffered under, my heart yearns to think, my tongue falters to utter. They have been well represented by divers worthy gentlemen before me.”—(What pity it is that no copy has been preserved of Sir John Elliot’s speech! He appears to have been the most eloquent man of his time; and on this subject, we are told, “set forth passionately, and rhetorically, the grievances.”)—“Yet,” says Philips in continuation, “one grievance, and the main one, as I conceive, hath not been touched—which is our religion: Religion, made vendible by commission, and men, for pecuniary annual rates, dispensed withal, whereby papists may, without fear of law, practise idolatry, scoff at parliaments, at laws, and all. It is well known the people of this state are under no other subjection than what they did voluntarily consent to by the original contract between king and people; and, as there are many prerogatives and privileges conferred on the king, so there is left to the subject many necessary liberties and privileges, as appears by the common laws and acts of parliaments, notwithstanding what these two sycophants have prated in the pulpit. Was there ever yet king of England that directly violated the subjects’ liberty and property, but their actions were ever complained of and redressed.” He gives some instances, and proceeds. “For the oppression under which we groan, I draw them under two heads: Acts of power against law, and judgments of law

against our liberty. Of the first sort are, strange instructions, violent exactions of money thereupon: Imprisonment of the persons of such who, to deliver over to their posterity, the liberty they received from their forefathers, and lawfully were in possession of, refused so to lend; and this aggravated by the remediless continuance and length thereof; and chiefly the strange, vast, and unlimited power of our lieutenants and their deputies, in billeting of soldiers, in making rates, in granting warrants for taxes as their discretions shall guide them; and all this against the law. These last are the most insupportable burdens, that, at this present, afflict our poor country, and the most cruel oppression that ever yet the kingdom of England endured. These upstart deputy-lieutenants, of whom perhaps in some cases and times, there may be good use, being regulated by law, are the worst of grievances; and the most forward and zealous executioners of those violent and unlawful courses which have been commended unto them; of whose proceedings, and for the qualifying of whose unruly power it is more than time to consult and determine. We are grown like the Turks, who send their janizaries, that place the halbert at the door, and there he is master. Judgments of law against our liberty there have been three, each latter stepping forwarder than the former, upon the right of the subject; aiming, in the end, to tread and trample under foot our law, and that even in the form of law. The first was the judgment of the *postnati*, the Scots,

wherein a nation, which I heartily love for their singular good zeal in our religion, and their free spirit to preserve our liberties far beyond many of us, is made capable of any the like favours, privileges, and immunities, as ourselves enjoy; and this especially argued in the Exchequer-Chamber by all the judges of England. The second was the judgment, twice after damned in this house, upon impositions in the Exchequer-Court by the barons, which hath been the source and fountain of many bitter waters of affliction unto our merchants. The third was that fatal late judgment against the liberty of the subject, argued and pronounced but by one judge alone.—I can live, although another who has no right, be put to live with me; nay, I can live, although I pay excises and impositions more than I do; but to have my liberty, which is the soul of my life, taken from me by power, and to have my body pent up in a gaol, without remedy by law, and to be so adjudged—O improvident ancestors! O unwise forefathers! To be so curious in providing for the quiet possession of our laws and the liberties of parliament, and to neglect our persons and bodies, and to let them lie in prison, and that during pleasure—remediless! If this be law, why do we talk of liberties? Why do we trouble ourselves with a dispute about law, franchises, property of goods, and the like? What may any man call his own, if not the liberty of his person? I am weary of treading these ways, and therefore conclude to have a select committee deputed, to frame a

petition to his majesty, for redress of these things, which being approved by the house may be delivered to the king: of whose gracious answer we have no cause to doubt, our desires being so reasonable, our intentions so loyal, and the manner so humble; neither need we fear this to be the critical parliament, as was insinuated, or this a way to destruction; but assure ourselves of a happy issue. Then shall the king, as he calls us his great council, find us his true council, and own us his good council. Which God grant."

The speech of Sir Thomas Wentworth, while it presents a shocking, but just, picture of the times, forms a remarkable contrast with his after conduct. "These illegal ways," says he, "are punishments and marks of indignation: the raising of money by loans, strengthened by commission, with unheard-of instructions,—the billeting of soldiers by the lieutenants have been, as if they could have persuaded Christian princes, nay worlds, that the right of empire was to take away goods by strong hand; and they have endeavoured, as far as was possible for them, to do it. This hath not been done by the king, under the pleasing shade of whose crown I hope we shall ever gather the fruits of justice, but by projectors. These have extended the prerogative of the king beyond its just limits, which mars the sweet harmony of the whole. *They have rent from us the light of our eyes; enforced companies of guests worse than the ordinances of France; violated our wives and daughters before our faces; brought the crown*

to greater want than ever it was, by anticipating the revenue : and can the shepherd be thus smitten, and the flock not scattered ? They have introduced a privy council, ravishing at once the spheres of all ancient government, imprisoning us without bail or bond. They have taken from us, what shall I say ? Indeed what have they left us ?—They have taken from us all means of supplying the king, and ingratiating ourselves with him, by tearing up the roots of all property.”

The court party were extremely moderate. They did not deny the justice of the complaints, but pleaded necessity as the only justification. And, as they urged the house to grant supply, they argued that it should precede measures for the future security of public freedom, both because the kingdom was in imminent danger, and because it would be more honourable to the king. “ My intent,” said secretary Cooke, “ is not to stir but to quiet, not to provoke but to appease ; my desire is, that every one resort to his own heart, to reunite the king and the state, and to take away the scandal from us. Every one speaks from the abundance of his heart ; I do conclude out of every one’s conclusion, both to give to the king and to redress grievances ; all the difference is about the manner. We are all inhabitants of one house, the commonwealth. Let every one amend his own house, for something is amiss in every one : but, if all the house be on fire, will ye then think of mending what is amiss ? Will ye not rather quench the fire ? The danger all ap-

prehend; the way that is propounded I seek not to devise. Illegal courses have been taken, it must be confessed; the redress must be by laws and punishments: But, withal, add the law of necessity: necessity hath no law, you must enable the state to do, what you do by petition require. It is wished that we begin with grievances; I deny not that we prepare them, but shall we offer them first? Will not this seem a condition with his majesty? Do we not deal with a wise king, jealous of his honour?"

Having assumed this ground, the ministers of the crown importuned for supply; but the house, while they were justly moved by the exigencies of the state, determined that the redress of grievances should not be postponed to his majesty's demand. The grievances detailed before a committee were reduced to six heads; 1st. Attendance at the Council-Board. 2. Imprisonment. 3. Confinement. 4. Designation to foreign employment. 5. Martial law. 6. Undue proceedings in matter of judicature. And here, it may not improperly be observed, that upon inquiry into the judgment against the refusers of the loan, it appeared that the attorney-general had prepared a draught of a judgment to be specially entered on record, which Sir Robert Philips well observed, was "made by some that desired to strike them all from their liberties." But, it appeared that the judges, alarmed for an after inquisition of parliament, had refused to make the entry, as a thing altogether unusual in the case of a habeas corpus refused; and that

the attorney-general himself, at the approach of that assembly, had desisted from his importunities. "This draught of a judgment," said Sir Edward Coke, "will sting us, *quia nulla causa fuit ostenta*, being committed by the command of the king, therefore he must not be bailed! What is it but to declare upon record, that any subject committed by such absolute command, may be detained in prison for ever? What doth this tend to, but the utter subversion of the choice liberty and right belonging to every free born subject of this kingdom? I fear, were it not for this parliament that followed so close after that form of judgment was drawn up, there would have been hard putting to have had it entered. *But a parliament brings judges, officers, and all men into good order.*"

On the subject of designation for foreign employment, Sir Peter Hayman stated his own case: That when a loan was demanded, he answered that they might take his estate, but that he would not give: That, upon being called before the lords of the council, they imputed his refusal to disaffection—when he replied, that his life and estate were at the service of his country: That they then threatened him with foreign, and expensive, employment, intending at first to have dispatched him as a soldier; but that they afterwards adopted the milder expedient of sending him as an attendant on an ambassador. The illegality of the measure no one was hardy enough to dispute. The great oracle of the law, Sir Edward Coke, well remarked, that "no restraint, be it ever so little, but is imprisonment,

and foreign employment is a kind of honourable banishment. "I myself," continued this venerable lawyer and statesman, now in his eighty-second year—"was designed to go to Ireland. I was willing to go, but hoped, if I had gone, to have found some Mompessons there." "If you grant this liberty," said Sir John Elliot, "what are you the better for other privileges? What difference is there between imprisonment at home, and constrained employment abroad? It is no less than a temporal banishment."

The commons entered into resolutions declaratory of the rights of the people, and appointed a conference with the lords upon the late infringements of liberty, in order that both houses might concur in a petition to the throne, founded upon Magna Charta, and other statutes, strengthened on the point of personal liberty by twelve direct, and thirty-one indirect, precedents. The object was to obtain the king's assent in parliament, that it might have the force of a special enactment, and as such be enrolled amongst the statutes; and as nothing was required but a recognition of the laws, to the protection of which, the people had an undoubted title, it received the name of the petition of right. The conference was conducted with the utmost ability, and the subject demonstrated with a precision and clearness which prevented the possibility of reply. It may here, not be improperly remarked, that the debates of this period are pregnant with profound constitutional knowledge and powerful reasoning: Men were now deeply interested in the momentous ques-

Petition of
right.

tions agitated, and, in their ardour to convince and persuade, departed from that impertinent pedantry, and those far-fetched conceits which had distinguished the popular speaking of the last reign, and gained for Lord Bacon himself the prize of eloquence*.

Parliament, while this grand question occupied its attention, was not inattentive to other matters. The king's insincere dealing in regard to recusants, even his apologists admit; but they excuse his conduct in this instance, by alleging the unreasonable prejudice of the people against that obnoxious body. The apology, however, ill accords with the line of policy now pursued by the ministers of the crown, who, for the attainment of their present object, endeavoured to alarm parliament by an account of the alleged audacious proceedings of Jesuits; of whom it was said, that they had a hierarchy of their own, plotting the ruin of the kingdom, and had also resolved to have a parliament. That there might no longer be a pretext for connivance at their religion, and room for their destructive plans, both houses agreed in a petition to the throne—which, though it was unhesitatingly granted, for the purpose of eliciting supply, met with the fate of former engagements of the sovereign to the same effect. The commons likewise manifested a resolution to provide for the exigencies of government, by voting five subsidies, the

* Rush. vol. i. p. 476. *et seq.* Old Parl. Hist. vol. vii. p. 339. *et seq.* Cobbet's Parl. Hist. vol. ii. p. 217. *et seq.* Whitlocke, p. 9. Franklyn, p. 233. *et seq.* MS. Copy of the Argument by Sir Ed. Coke upon the liberty of the subject, in Adv. Lib. State Trials.

largest supply ever granted in parliament. Their generosity is said to have moved the king even to tears, who declared that he had fallen into a distaste with parliaments, but was now reconciled to them again : Yet, it produced no alacrity to conciliate the affections of the kingdom, and remove their fears, by an ample acknowledgment of their rights : And in a message which he sent to the commons by secretary Cooke, he displayed a want of dignity no less unbecoming than it was surprising, in one who entertained such extravagant notions of his office. The secretary informed the house, doubtless with his majesty's approbation, that the proposed grant gave satisfaction to the duke ; but they, more regardful of the royal honour than the king himself, reprehended the indecorous junction of a subject's name with the sovereign's. Though the commons voted the supply, they withheld the bill, till they should extort such a solemn recognition of their rights as might thenceforth remove every apology for invading them. They presented a petition against billeting of soldiers, in which they detailed the enormities that had been committed by the licentious military, and complain that " few of their enormities had been so much as questioned, and fewer according to their demerits punished : " and they gave orders to the lawyers in the house, to prepare the bill, denominated the petition of right, which contained an ample acknowledgment of their general privileges. When the bill so prepared had been passed by the commons, and sent up to the lords

for their concurrence, that body proposed some alterations which would have rendered it nugatory; or rather would have authorised the arbitrary measures of the crown. That in ordinary cases, the established legal course should be followed; but that, in extraordinary, the king should have for the general good, a right of commitment, without shewing the cause, though, however, he ought to disclose it as soon as possible. While the lords would have passed a bill, conferring a power of such a description, and at such a season, they committed Serjeant Astley for maintaining arbitrary principles. The commons could not agree to these alterations; and Charles, perceiving their intention, and anxious to evade any measure that cramped him in the exercise of those principles on which he had resolved to govern, pressed by repeated messages for the bill of subsidy, alleging that the necessities of state could not admit of delay; declaring that he held Magna Charta and the other statutes to be in force, and would govern according to law; asking them whether they could not rely on his word; and latterly intimating that they must determine immediately, either upon supplying his wants, or flatly refusing, as he meant to close the session: for that, while he would rank himself with the best kings, by shewing that he had no intention to invade, or impeach, their lawful liberties, he would not, by new explanations, interpretations, expositions, or additions of any kind, yield to any encroachment upon that prerogative which God had put into his

hands. When these arts proved fruitless, he announced his consent to a bill declaratory of the law; but as he even then tried to elude it, with what sincerity the message was sent is doubtful. "What need of a new law to confirm the old," said the lord keeper in delivering the king's answer to the speaker's speech, "if you repose confidence in his majesty's declaration? Your greatest trust and confidence must be in his grace and goodness, without which, nothing ye can frame will be of safety or avail to you." The commons, unmoved by this address, persisted in their purpose, and Charles sent another message, desiring them to rely on his word. This also failed, and he wrote a letter to the lords, containing sentiments similar to those which had been stated by them in their propositions to the lower house: That, as he was desirous of nothing more than to advance the peace and prosperity of his people, he had allowed free debates upon the highest points of his prerogative royal, which his predecessors never had. That, in all other things, his frequent messages to the commons had demonstrated a willingness to descend as far to the desires of his good subjects as might fully satisfy all moderate minds, and remove all just fears and jealousies; yet that it was still insisted on, "that in no case whatsoever, should it never so nearly concern matters of state and government, had he or his privy council power to commit any man without the cause shewn; whereas it frequently happened, that were the cause shewn, the service

itself would be defeated, and the cause alleged must be such as might be determined in the courts at Westminster, *in a legal and ordinary way of justice; while the causes might be of so transcendant a nature that the judges have neither capacity of judicature nor rules of law to direct their judgment; which happening so often, the very encroaching on that constant rule of government for so many ages within this kingdom practised, would soon dissolve the very foundation and frame of our monarchy.*" That, as he had made fair propositions to the commons for preserving the subject's liberty, so he thought it proper to announce, that without the overthrow of sovereignty, he could not suffer this power to be impugned. That it was not, however, his intention to stretch the royal power lent him from God, beyond the just rule of moderation, in any thing which should be contrary to the laws and customs;—he would neither commit any man for refusing a loan, nor for any cause which, in his judgment and conscience, he did not conceive necessary for the public good; base thoughts he hoped none would imagine incident to his royal breast. That, in all future cases, he should, upon the humble petition of the party, or address of the judges, declare the true cause of the commitment or restraint, so soon as it might be conveniently and safely declared: and that, in all ordinary cases, Magna Charta, and the other statutes, should be strictly adhered to*.

* Rush. vol. i. p. 527. *et seq.*

This had no effect upon the lower house; but it weighed considerably with the upper, who proposed to add these words to the petition: "We present this, our humble petition, to your majesty, with the care not only of preserving our liberties, but with due regard to leave entire that sovereign power wherewith your majesty is trusted for the protection, safety, and happiness of the people*." The effect of this clause was too obvious to escape the notice of the commons, who therefore solicited a conference upon it with the lords, and so fully demonstrated its tendency, that the upper house agreed to renounce it, and to present the petition to the throne as it originally stood†. Charles promised a gracious answer, yet with that equivocation which had distinguished every part of his conduct, he disappointed the general hopes, by answering it thus: "that right be done according to law, and the statutes be put in due execution." By thus artfully seeming to grant the petition which he meant to elude, he expected to outwit the commons: but he ought to have known, that as an unusual answer to a bill would, at any time, have excited suspicion, deceit, after so many evasions, was impracticable; and that his answer, far from giving satisfaction, must

First answer to the petition of right, June 2, 1628.

* Cobbet's Parl. Hist. vol. ii. p. 292. *et seq.* Old Parl. Hist. vol. viii. p. 1. *et seq.*

† Cobbet's Parl. Hist. vol. ii. p. 355. *et seq.* Old Parl. Hist. vol. viii. p. 116. *et seq.* Rush. vol. i. p. 561. *et seq.* Id. p. 590. Old Parl. Hist. vol. viii. p. 150. Cobbet's Parl. Hist. vol. ii. p. 377.

only inspire the most dismal fears of his future government.

Thus disappointed in their hopes of obtaining a recognition of the laws for the subject's liberty, the commons renewed their complaints against the despotical system embraced by the executive, and the miscarriages of administration, when Sir Edward Coke proposed a remonstrance upon the dangers of the kingdom, and the means of preserving it. This having been resolved upon, the house was turned into a grand committee. The king, on the other hand, sent a message to them, that as he had answered their petition in the only way he intended, he expected they would immediately finish their other business, since he had determined to end the session *. Far from complying with the royal requisition, they shewed their resolution to vindicate their rights by prosecuting an individual, who, to please the prince, had prostituted his sacred calling to juggle the people out of them. A charge had been brought, some days before, against Manwaring, for his sermons, by Mr. Rouse, who not inaptly compared the Doctor to Guy Faux and his fellows, as he sought to blow up parliament and parliamentary powers; and the topic was now resumed. A declaration was made against the divine, and an impeachment of him presented to the lords. The sentence was not pronounced by the upper

Manwaring
impeached
and sen-
tenced.

* Rush. vol. i. p. 591. *et seq.* Old Parl. Hist. vol. viii. p. 155. *et seq.* Cobbet's Parl. Hist. vol. ii. p. 379. *et seq.*

house till some days after the passing of the petition of right in proper form; but not to interrupt the narration afterwards, we may observe, in this place, that, in spite of the Doctor's tears and affected penitence, as well as impudent hypocrisy, in pretending that he never meant to persuade to a violation of the law, he was condemned to imprisonment during the pleasure of the house, to be fined L.1000 to the king, to make a submission, both in writing and personally, at the bar of the house, and also at the bar of the commons, to be suspended from the ministry for three years, and to be incapable of ever holding an ecclesiastical dignity, or secular office, or of preaching at Court. The peers, lastly, ordained his book to be burned*. The rigour of this sentence does not appear to correspond with the well-known powerful interest which the monarch enjoyed in the upper house. But Charles himself yielded to a temporary sacrifice of this inferior servant to divert the torrent of public indignation from the duke, and prevent a scrutiny into other measures of government. "Truly," says Sanderson, "I remember the king's answer to all. He that will preach other than he can prove, let him suffer:

* Old Parl. Hist. vol. viii. p. 151. *et seq.* Cobbet's Parl. Hist. vol. ii. p. 377. Rush. vol. i. p. 585, 586, 593. *et seq.* Manwaring desired of the upper house, that as "his book consisted of many conclusions, the spiritual lords might be judges of the inferences and logical deductions therein." But the artful device failed in its intended effect.

I give them no thanks, to give me my due, and so being a parliament business, he was left by the king and church to their sentence *.” This was the language of a prince, who had not only listened to the doctrine with approbation, but had enjoined it, and even suspended the primate for refusing to license the printing of the sermons. Nay, such was the inconsistency of this monarch, that he at the same moment authorized Laud, and Mountaigne, bishop of London, to justify their licensing of the sermons, by alleging that they acted by his command; and Buckingham, with the earls of Suffolk, Dorset, and Montgomery, bore evidence to the fact, while the latter declared that he was present when the command was given, and that Laud shewed a reluctance in the business, and advised his majesty to think better of it. Such was the defence of Laud, the principal instrument in the affair†! But, though Charles apparently withdrew his countenance for a season, he neither abandoned, nor neglected Manwaring: Immediately after the prorogation, he pardoned all his errors, and promoted him to a good living. Nor did his gratitude end till he had rewarded this obsequious divine with a bishopric—the price for which he had been ac-

* Sanderson's Charles I. p. 115.

† Old Parl. Hist. vol. viii. p. 213. Laud was terribly alarmed for an impeachment against himself; but Charles bid him be under no uneasiness till he saw him forsake his other friends. Heylen's Life of Laud. p. 180. Laud's Diary.

cused as willing to exchange a good conscience. But this is best told in the language of Heylen, who, after narrating the proceedings against Manwaring, says, "a heavy sentence, I confess, but such as did more affright than hurt him. For his majesty, looking on him in that conjuncture as one that suffered in his cause, preferred him first to the parsonage of Stamford-Rivers in Essex, void not long after by the promotion of *Montague* to the see of Chichester, after to the deanery of Worcester, and finally to the bishopric of St. David's. *This was indeed the way to have his majesty well served*; but such as created some ill thoughts in the commons for his majesty's over-indulgence to him *!"

On the 5th of June, only two days posterior to the last message, another came to the commons from the king, announcing, that as he meant to keep the day he had formerly mentioned, the 11th, for the prorogation, he required them to entertain no new business which might consume their time, or lay any scandal or aspersion upon the government or its ministers. So peremptory a message struck a damp into the house. "I perceive, that towards God and towards man," said Sir R. Philips, "there is little hope after our humble and careful endeavours, seeing our sins are so many and so great: I consider my own infirmities, and if ever my passions were wrought upon, then now this message stirs me up espe-

* Heylen's Life of Laud. p. 180.

cially: When I remember with what moderation we have proceeded, I cannot but wonder to see the miserable strait we are now in. What have we not done to have merited? Former times have given wounds enough to the people's liberties. We came hither full of wounds, and we have cured what we could, and what is the return of all but misery and desolation? What did we aim at but to have served his majesty, and to have done that which would have made him great and glorious? If this be a fault, then are we all criminalous. What shall we do since our humble purposes are thus prevented, which were not to have laid any aspersion on the government, for it tended to no other end but to give his majesty true information of his and our danger? And to this we are enforced, out of a necessity of duty to the king, our country, and to posterity: But we being stopt, and stopt in such manner as we are enjoined, so we must now leave to be a council. I hear this with that grief, as the saddest message of the greatest loss in the world. But let us still be wise, be humble; let us make a fair declaration to the king. Let us presently inform his majesty, that our firm intents were to shew him in what danger the commonwealth and state of Christendom stand; and, therefore, since our counsels are no better acceptable, let us beg his majesty's leave, every man to depart home; and pray to God to divert those judgments and dangers which too fearfully, and imminently, hang over our heads." Sir John Elliot, according to

his natural bent, rose in a more vehement strain, and was about to name the duke as the author of their calamities, when he was stopt by the speaker, who starting from his chair with tears in his eyes, told the house that he was commanded to interrupt any one who laid aspersions upon ministers of state.—A melancholy silence succeeded, till Nathaniel Rich breaking it, observed, that however submission might tend to their individual safety, it did not to that of their constituents, whose rights they were bound to protect: “Some instruments desire a change,” said he, “and shall we now sit still and do nothing, and so be scattered? Let us go to the lords, and shew our dangers, that we may then go to the king together.” Some by way of palliating the royal conduct, signified that a speech by Sir John Elliot had given offence, but the house declared that nothing undutiful had been spoken. The question then was, whether they should go directly to the king with a remonstrance, or apply for the concurrence of the lords: But Sir Edward Coke told them, that as their own privileges, in the preservation of which the lords were not concerned, were now violated, an application to that body was not the course. He reminded them of former instances of parliamentary impeachment of ministers, and that it was the province of parliament to moderate the prerogative, and correct every abuse: and declared, that if they faltered now, God would never prosper them. He then, in spite of the royal injunction, named the duke

as the cause of all their miseries, pronounced him the grievance of grievances, and remarked, that till the king were informed of it, they could neither continue together, nor depart with honour. This roused others. One declared, that, as high admiral, Buckingham had ruined the shipping, as well as he had undone their liberties at home; and that his treachery would probably overthrow his majesty, from whom he was so eager to conceal the truth, that he destroyed all who uttered it: Others said that there were papists in all branches of public employment, and asked what good could be intended when the king's power was used by those who wished the utter subversion of their religion? Selden proposed a declaration of grievances, under several heads, in the last of which the present distraction was imputed to the duke's fears of being called to an account by them, and he said, that though they had hitherto cast a mantle on what was done last parliament, yet that, since they had been driven again to look to that man, they ought to renew the charge, and demand judgment, which, from the insufficiency of his answer, might be expected even upon it. The house then entered into several resolutions; but while it was moved to put the question, whether the duke should be named as the primary cause of the grievances, the speaker begged leave to retire; and soon returned with a message to adjourn. Charles, now perceiving that his former message required qualification, sent another next day, that he never meant to infringe their privi-

leges. The debate upon privileges was then resumed, and the house now received information of the commission for excise, with the importing of Dutch books to assist the council in regulating the intended duties, and likewise of the commission for German horse, arms, &c. and that two ships, to the loss of their voyages elsewhere, had been impressed for the purpose of bringing the horse over. On this subject it was observed, by one member, Mr. Parker, "that the intent of bringing over those German horse, was to cut our throats, or else keep us at their obedience *."

Charles saw at last, that the proper answer to the petition of right could no longer be withheld, and therefore, to still the ferment, he granted it in the usual form, "*soit droit fait, comme il est désiré*," —an answer which was received with the most unbounded joy throughout the nation, though the hypocrisy of the king on the occasion, (he declared that the answer was no more than he had granted before, and that his maxim was, "that the people's liberties strengthen the king's prerogative, and the king's prerogative is to defend the people's liberties,") ought to have moderated their joy †.

It has been affirmed by Mr. Hume, that the royal assent to this petition produced such a change

* Cobbet's Parl. Hist. vol. ii. p. 408. Old Parl. Hist. vol. viii. p. 200.

† Id. p. 201. *et seq.* Cobbet's do. vol. ii. p. 408. *et seq.* Rush. vol. i. p. 613.

Petition of
right grant-
ed in pro-
per form,
June 7th.

in the government, as was almost equivalent to a revolution. But it never was considered in that light by our ancestors, who deemed it merely a confirmation of the acknowledged law of the land, which had been so grossly violated: Even Clarendon declares, that it was “of no prejudice to the crown*.” The learned historian admits, that the great charter and the other statutes were sufficiently clear in favour of personal liberty, and that literally this was nothing farther than a recognition of them; but he alleges that all the kings of England had ever in cases of necessity, been accustomed *at intervals* to elude those statutes. Now, if it were at intervals, and in cases of necessity only, that the law was eluded, it follows indisputably, that the general tenor of the government was conformable to it, and that these were only exceptions to the common rule. The debates on this subject however, which are pregnant with legal argument and research, ought of themselves to have satisfied this elegant writer, that, in times which he pronounces the most arbitrary, there had been individuals courageous enough to demand their rights in courts of law, and that those tribunals had never, on any occasion, denied justice: That not one precedent could be adduced to the contrary to palliate the present proceedings. But his inconsistency does not end here: For it is impossible to conceive how the petition of right could be the greatest concession which an English sove-

* Clarendon's Hist. vol. i. p. 5.

reign ever made, since he admits that it merely confirmed statutes, which, though occasionally eluded, were sufficiently clear in favour of personal liberty ! Had it been equivalent to a change in the constitution, it must likewise have been productive of a corresponding change of measures, for it is an insult to talk of good laws, if the people derive no benefit from them : yet, unfortunately for the truth of Mr. Hume's remark, the future government of this prince was, as a whole, no less revolting, if not more so, to every notion of liberty or principle of law, than any portion of his history that we have hitherto detailed. And, surely, unless we allow that a prince who recognises the public rights on parchment, ought to have a licence to govern without law, to magnify the vast importance of the concession, is not to adopt the most judicious defence of his conduct ; since it bereaves him of an apology for those subsequent acts of his reign, which it is our province to relate. The people, nay, in the course of a few months their representatives likewise, who had most strenuously exerted themselves to procure this declaration of law, in vain applied for its protection. " So hard a thing is it," says Heylen in insolent triumph at such a flagrant denial of justice, " to find a cord so strong as to bind the prerogative, when kings have either power or will to make use thereof *."

The bill of subsidies was no longer delayed, yet

* Heylen's Life of Laud, p. 198.

the commons did not rest satisfied with a bare declaration of the law : They resolved not to desist from their labours till they had obtained the benefit of it, and remedied the evils of the commonwealth. The debate was resumed upon the commission for the excise, and a conference having been agreed to, and obtained, with the lords, both houses concurred in an application to the throne against so direct a violence to every constitutional principle. The commons also determined to proceed with their remonstrance : “ King James,” observed one, “ was wont so say that he knew that by parliaments, which otherwise he could never have known.” This remonstrance embraced a variety of topics : The encouragement of papists, and employment of them in offices of trust, notwithstanding the most solemn promises to the contrary : The protection and promotion of Arminians, “ the common disturbers of protestant churches,” of whom Neal and Laud are the patrons ; together with the diffusion of their writings on the one hand, and, on the other, the silencing of orthodox preachers, excluding them from benefices, and suppressing their writings : The fears entertained of innovation and change of government, from the arbitrary measures lately adopted : The billeting of soldiers, who, instead of being disbanded, had been lately reinforced—a source of jealousy to the people : The strange and dangerous purpose of bringing in German horse, which they, with somewhat more complaisance than truth, say, “ would have

turned our doubts into despair, and our fears into a certainty of confusion, had not your majesty's gracious message comforted us by the assurance of your royal word, that they neither are, nor were, intended for any service in England:" The commission for excise: The frequent breaches with parliament: The taking of tonnage and poundage without the authority of the legislature: The standing commission of general to Buckingham in time of peace: The dismissal of faithful officers from the bench and other departments: The miscarriages at Cadiz and the isle of Rhee, the last of which, it was alleged, though doubtless with exaggeration, had cost seven thousand lives, and a million of money: The numerous captures of English vessels in consequence of the seas being unguarded, a circumstance which threatened the annihilation of commerce, &c. *

In this place, it may be proper to mention another affair which aggravated the misconduct of the executive. When the former parliament was dissolved to prevent the prosecution of Buckingham, the king ordered an information against his favourite, to be filed in the Star Chamber. This, which was a mere trick, intended to deceive the people by the appearance of a trial, imposed upon none, while it leaves the less apology for the dissolution of parliament, since the same prince who

* Rush. vol. i. p. 612. *et seq.* Old Parl. Hist. vol. viii. p. 214. *et seq.* Cobbet's do. vol. ii. p. 416. *et seq.*

thought it necessary to satisfy the public by the shew of justice, had no right to quarrel with them for demanding the reality: But, as if he had been studious of an opportunity to insult the commons by a fresh mark of attachment to a favourite of whom they so loudly complained, he chose this critical moment for commanding the information to be taken off the file, alleging that he was satisfied of the duke's innocence*.

The commission for the excise was now cancelled, yet in a manner that justified, instead of condemning, the measure: For, the lord keeper had the assurance to state that it was necessary at the time, though it was now no longer requisite, after the supply from parliament†. All other redress seemed hopeless.

But the great question which remained for discussion, was that of tonnage and poundage, a question which gave rise to a remonstrance, and occasioned the immediate prorogation of the parliament. Tonnage and poundage were certain duties or customs on exports and imports, to enable the sovereign to protect commerce. These had, anciently, always been granted to the sovereign for a short period, commonly a year at a time, till Henry V. as a recompence for recovering his right to France, obtained them for his life, but under a

* Rush. vol. i. p. 626.

† Id. p. 628. Cobbet's Parl. Hist. vol. ii. p. 428. *et seq.* Old Parl. Hist. vol. viii. p. 232 and 5.

special proviso that it should not be held as a precedent in the case of future kings: "But yet," says Sir Edward Coke, "all the kings after him have had it for life, so forcible is once a precedent fixed in the crown, add what *proviso* you will *."

* 2d Inst. p. 61. 4th Inst. p. 32. Henry VI. did not obtain the grant for life till the 31st of his reign. In the 2d there was a grant for two years only; in the 9th another for several years, &c. Ibid. But it is here necessary to correct a mistake of Mr. Hume in point of fact, which goes to the very essence of this question. "The parliament," says he, "did not grant the duty of tonnage and poundage to Henry VIII. till the sixth of his reign: Yet this prince, who had not then raised his power to its greatest height, continued, during that whole time, to levy the imposition. The parliament, in their very grant, blame the merchants who had neglected to make payment to the crown; and though one expression of that bill may seem ambiguous, they employ the plainest terms in calling tonnage and poundage the king's due, even before that duty was conferred on him by parliamentary authority." Chap. 51. *This statement proceeds upon an utter mistake of the meaning of the act of the 6th of Henry VIII. c. 14. referred to by the historian; yet such as he had a better apology for, than for many of his errors. The duty of tonnage and poundage had been granted by a statute passed in the first of that reign, 1 Henry VIII. c. 20. and the act referred to by Mr. Hume, merely re-enacted a statute passed in the 12th of Edward IV. c. 3. ordaining the forfeiture of the goods in case of non-payment of the duties. This statute had been re-enacted for the life of the late king, and as the duties had been evaded under Henry VIII. the legislature deemed it expedient to re-enact the statute for the life of that monarch also. As, however, the act of the 1 Henry VIII. c. 20. is not printed in the edition of the statutes entitled "The Statutes at Large," (it now is in that splendid work, entitled, "The Statutes of the Realm,") there is an excuse for Mr. Hume's error. Yet the supposed ambiguity to which he alludes might have half convinced him of his mistake, while, had he looked to the stat. 12 Edward IV. c. 3. which was re-enacted, he would have seen that it did not grant the duties, but merely ordained a forfeiture of the goods for evading them, and referred to a statute passed in the 3d Edward IV. by which the du-*

The statutes which conferred them, however, still reserved the power of withholding: and so firmly was this maintained, that in the last reign, those who had drawn the duties without a legislative enactment, before the bill was passed, were afterwards questioned by the Commons for so irregular a proceeding*. Though the parliaments of former times had chosen to repose such confidence in the reigning monarch as to grant the duties during his life, it did not follow that after times were to be tied down by the precedents, particularly when they perceived a decided disposition in the prince to overturn the constitution, and when the want of money afforded the only hope of meetings of the legislature. But there were still stronger grounds for adopting a different course. James, and he had been followed by his son, had arrogated the right of altering those duties at pleasure, a power to which none of his predecessors had ever pretended, and his venal judges had pronounced such a right to be inherent in the crown; whence the commerce of the kingdom must have soon depended on the will of the sovereign. Though the evil was yet in infancy, it had wrung grievous and well-founded complaints from the merchants: While, to crown the mischief, the money had been diverted to purposes very different from the defence of the seas,

ties were conferred upon the king for life. Had he consulted the 4th Inst. too, he would have found the rolls quoted for the stat. 1 Henry 8.

* Old Parl. Hist. vol. viii. p. 254. Rush. p. 644.

which had been so neglected that the very coasts were infested with pirates, who carried off the shipping in the sight of land. The true way to prevent the arrogation of a right to alter the duties, was to keep before the royal eye, that the right to draw such duties at all, sprang from the legislature. Hence, in the first of this reign, the Commons had passed a bill giving the duties for one year only; but the Lords, through the dexterity of Bishop Williams, had thrown it out*, and Charles had ever since, without the semblance of legislative authority, levied them, as annexed of right to his office. Apprised now that the Commons were preparing a remonstrance against this assumed power, he suddenly ended the session, declaring his knowledge of their intention as the cause; and that he neither understood the petition of right to trench upon this branch of his revenue, which he drew by the force of his prerogative, nor would submit to have it questioned†. Charles, as we have seen, intended still farther to raise the duties immediately, without the intervention of the legislature ‡.

Parliament
prorogued
on account
of tonnage
and pound-
age.
26th June,
1628.

No sooner was parliament prorogued, than he afforded some striking proofs of his sincerity in granting the petition of right, and of its efficiency to protect the franchises of the people. Fifteen hundred copies had already been printed

Conduct of
Charles in
regard to
the printing
of the peti-
tion of
right.

* Hacket's Life of Williams, Part II. p. 17.

† Old Parl. Hist. vol. viii. p. 241. Rush. vol. i. p. 628. *et seq.* Journals.

‡ See note at the end of last Chapter.

at the desire of both houses: These were suppressed by orders from the king, and fresh copies with his first answer, which had excited such discontent and apprehensions, were distributed throughout the kingdom *.—"An expedient," says Mr. Hume, "by which Charles endeavoured to persuade the people that he had nowise receded from his former claims and pretensions, particularly in regard to levying of tonnage and poundage." It is impossible to divine the estimate which this prince had formed of his subjects' understanding, when we find him attempting so palpable an imposture. All the intelligent portion of the community, whom alone copies of this memorable statute were likely to reach, had watched the progress of the bill with the most painful solicitude; having been actuated by all the hopes and fears which his various evasions were so calculated to inspire: Yet he expected to deceive them in regard to what had actually occurred! Had his hope of success, however, with a part of the people, been even well-founded, still he might have remembered that parliament, which was to reassemble in the course of a few months, could not be deceived, and would not only expose the deception, but, after so flagrant an imposture, could never trust his professions more. Indeed one would have imagined that a prince who proclaimed himself, and appeared to be, so

* Rush. vol. i. p. 643. Cobbet's Parl. Hist. vol. ii. p. 410. and 435, *et seq.*

jealous of his honour, would have felt no small degree of reluctance at meeting again, in all the dignified tone of a sovereign, a body of men to whom he had given so bold and indisputable a proof of insincerity: And it seems a little extraordinary after this, that his sincerity should have been keenly advocated by the historian, whose words we have just had occasion to quote: or that his yielding to the petition should have been magnified as a consent to something almost equivalent to a revolution, when it is so unquestionable that he never meant to observe it!

The whole government of Charles correspond-
ed with this attempt at imposture. Some mer-
chants were committed to the Fleet, while their
goods were seized, for refusing payment of duties
on merchandize originally imposed at the mere
will of the prince. Informations too were pre-
ferred against the refractory, as if the king had
acted according to law, and the judges declined
to hear the defendants, on a ground which they
pronounced to be already adjudged by a decision
in the former reign. Others were imprisoned for
resisting the demand of tonnage and poundage as
never having been granted by parliament, and the
council expressed their disapprobation of a *habeas
corpus* granted to an individual thus deprived of
personal liberty, while all legal discussion upon
the lawfulness of the impositions was interdicted.
The Star-Chamber too, arbitrarily adjudged one
Savage to lose his ears. Such was the civil
government, and the religious was just a repeti-

Arbitrary
proceedings
during the
prorogation
of parlia-
ment.

tion of every thing which had been so loudly complained of, and of which the people had so often been promised redress. Recusants were compounded with at easy rates, and the wealthiest altogether screened from the legal penalties, by letters of grace and protection. Under the pretext of preventing unprofitable disputes about Arminianism, Montague's books were called in, and all publications that had a tendency to revive the difference prohibited: But the proclamation was not issued till the books in favour of the doctrine were circulated beyond the risk of seizure; and the consequence intended necessarily followed—that the answers only were suppressed, and the printers of them questioned before the high commission. The pardon and promotion of Manwaring bespoke too, on the part of the king, a resolution to avoid no opportunity to evince his contempt for the parliament, to which he was so soon to apply for pecuniary aid*.

Wentworth
gained over
to the
court.

Wentworth had, in the last session, affected the part of a patriot: Yet, during the prorogation, he obtained title and place, for which he had long been truckling. By the medium of Weston, the treasurer, he was reconciled to Buckingham, whose jealousy at his intimacy with Williams had been the cause of the difference, as well as of the assumed patriotism of Wentworth, and was instantly created a baron, privy counsellor,

* Rush. vol. i. p. 633. *et seq.* Heylen's Life of Laud. p. 195. also p. 188. about the powers arrogated by Charles.

&c. In Michaelmas following he was made a viscount, and lord-president of the council of the North,—a place which he had been promised at the outset*. Statesmen who pretend to character, either soften their desertion of their principles and party, by setting out with an affected tone of moderation in regard to the measures of the executive, as if their former heat had proceeded from youthful ardour and inexperience,—cooling towards their own party, and gradually approaching to the principles of the court; or cloak their tergiversation with some pretended plea of conscience, as that they had at last discovered that the ideas entertained by them were visionary and impracticable, the offspring of inexperience and a sanguine disposition; or that the party with whom they had co-operated, aimed at conclusions, and were guided by motives which they never had suspected: that the circumstances under which they had opposed the court were changed, or the tendency of the principles pursued by their party was different from what they had apprehended: Or that, from the popular spirit now afloat, it

* Essay towards the Life of Strafford, by Ratcliffe. Letters D'Estates. Heylen's Life of Laud, p. 194. Sir Thomas Wentworth, and Mr. Wandsford," says Howell in a letter, "are grown great courtiers lately, and come from Westminster-Hall to Whitehall, (Sir John Saville their countryman having shewn them the way with his white staff.) The Lord Weston tampered with the one, and my Lord Cottington with the other, to bring them about from their violence against the prerogative; and I am told the first of them is promised my lord's place at York, in case his sickness continues." P. 200. See other Letters. Id.

was no longer safe to prosecute the policy they had originally adopted, and which they still approved of in the abstract, lest it should encourage that rage for innovation which threatened general anarchy. But, as Wentworth had turned patriot merely out of personal resentment at the idea of his merits not being duly appreciated by the favourite, whom he was ready to serve on any terms, so now, without the appearance of an apology, he at once accepted of honour and place, and lent all his powers to support measures which he had just arraigned as the summit of tyranny. Considering the extreme pride of the man, it is scarcely possible to figure his feelings on sitting in the upper house of parliament as the ministerial advocate of that policy, which, in the preceding session, only a few months before, he had so violently condemned in the lower.

Fruitless
attempts to
relieve Ro-
chelle.

The attempts towards the relief of Rochelle, were so disgraceful as to excite a strong suspicion of treachery in the British cabinet. During the session of parliament, the Duke's brother-in-law, the Earl of Denbigh, had been dispatched with a fleet to succour that wretched town; but, instead of effecting his object, he abandoned it without the attempt, tamely submitting to insult from the French, though his armament not only warranted, but should have induced him, to hazard an action. In the meantime, the project of Richelieu to besiege Rochelle by circumvallations, including a mole of 1400 yards in length across the mouth of the harbour, leaving room only for the ebb and

flow of the tide, went on without obstruction, and threatened ruin to the gallant defenders of the town *. After the dissolution of parliament, however, Buckingham determined himself to head an expedition for the relief of Rochelle, when he was assassinated at Portsmouth, whither he had gone to attend the embarkment of the troops.

There was one John Felton, of a good family in Suffolk, who had served as a lieutenant in the expedition to the Isle of Rhee; but who, having lost his captain there and been disappointed in his suit for the company, which he conceived belonged of right to him, quitted the army in disgust. He was of a diminutive stature, but of an energetic, though meagre frame, with ghastly features, denoting habitual melancholy. His manners were extremely reserved; his whole course of life and conversation serious and religious. But his religion was infected to fanaticism by the gloominess of his temper; and, as he agreed with the people at large in considering Buckingham the enemy of the civil and ecclesiastical establishments of his country, his resentment, unmolified by the usual unburthening of the heart in the intercourse of society, fermented to a peculiar degree in his unsocial bosom. Whether this were heightened by a direct feeling of disappointment in his expectation of a company, it is not easy to determine: Though he died with the utmost penitence for his crime, he disclaimed any personal

Assassination of Buckingham by John Felton, with an account of the assassin, Aug. 23, 1628.

* Rush. vol. i. p. 586.

cause of hatred, and declared that his want of preferment had not proceeded from the duke, by whom he had ever been treated with respect. But the disappointment, to whatever source he attributed it, as it stung him with chagrin and left him without employment, must, by corroding his heart, have, the instant his feelings got vent upon a particular object, in some measure prepared his distempered brain for the horrid notion, that it would be meritorious in the individual to destroy the public delinquent. Yet, in a breast unacquainted with crime, and most virtuously educated, the idea had much to encounter from better propensities; and he imagined that he had overcome his first suggestion, till the remonstrance by the Commons revived it with augmented fury. The perusal of books, which maintained the lawfulness of killing an enemy to the republic, removed every scruple. This resolution once formed, he watched his opportunity in silence, without imparting his purpose to a living soul. Owing to the numerous train with which the duke was generally attended, no opportunity to strike the blow occurred for a considerable time: But when he had gone to Portsmouth to hasten the embarkment of the troops, Felton went thither, confidently expecting that, amid the bustle of such an occasion, Buckingham must be exposed. But he resolved, as a last resource, rather to accompany the expedition itself as a volunteer, when an opportunity could not fail, than renounce his purpose.

To prevent observation, Felton did not stir out of doors that night; but next morning he repaired to the duke's lodgings. Buckingham had, in his dressing-room, which was crowded with company, just been engaged in very earnest conversation with Soubieze and other Frenchmen, in consequence of a rumour which had reached them, that Rochelle had been relieved. Soubieze and his followers at once perceived that this was a device of the enemy to slacken the English preparations till the mole at the mouth of the harbour were completed; and as the duke either believed, or affected to believe, the report, they were naturally very importunate on a subject on which depended all their hopes. The English, strangers to the language in which the discourse was conducted, imagined from the eagerness of the Frenchmen's manners, characterized by the vehement gestures of their country, that the parties had been quarrelling. Soubieze and his followers soon quitted the apartment, and the duke rose shortly afterwards to go to breakfast. Felton having gone to Buckingham's lodgings, and been assured by the noise that he was at home, lingered about the door, and when he heard the duke's approach, pretended to hold up the hangings. Buckingham, as he drew towards the door, where the hangings were held up, stopt to converse with Sir Thomas Frier, a colonel of the army, to whom, as Frier was of low stature, he inclined his ear to listen, and Felton seized the opportunity to strike over the Colonel's arm, plunging a knife, which he had purchased at a shilling for the occa-

sion, into the heart of his victim. Buckingham exclaimed, "the villain has killed me," and, drawing out the knife, instantly expired.

No one saw the blow or the person who gave it; but, from what had just been observed, the suspicion lighted upon Soubieze and his attendants. In vain did they protest their innocence: some would have immediately dispatched them, had not others more temperate, though they entertained the same idea of their guilt, interposed to save them for public justice. In this moment of distraction, a hat with a paper sewed in it, was discovered upon the ground, amongst the crowd at the door; and the words in the paper are said to have been these; "That man is cowardly base, and deserves neither the name of a gentleman nor soldier who will not sacrifice his life for the honour of God, and safety of his prince and country. Let no man commend me for doing it, but rather discommend themselves; for, if God had not taken away our hearts for our sins, he could not have gone so long unpunished." It was easy to conclude that it belonged to the assassin; but it gave no clue to his person, and it was naturally conjectured that, whoever he were, he was already too far distant to be found without a hat, when a man without his hat was observed to walk very composedly before the door. One cried, here is the fellow that killed the duke. Others eagerly asked, which is he? when the man, with great composure, said, "I am he, let no person suffer that is innocent." The most furious rushed upon him with drawn swords, to

which he calmly and cheerfully exposed himself, preferring to fall a sacrifice to their sudden anger, rather than be reserved for that deliberate justice, which he knew must be executed upon him : But others, less inflamed with passion, defended him from the fury of their companions, that he might be consigned over to the punishment of the law. Nothing could have been more fortunate for the popular party. Had he perished on the spot, a stigma would have been industriously attached to them as the instigators, and good men might have been deterred from heartily co-operating with a party suspected of such an enormity. They, however, who would have rashly killed the assassin, appear to have been actuated solely by the distracted fears of the moment, not by attachment to the individual to whom they had been accustomed to pay the most servile devotion : For we are told by Sir Philip Warwick, “ that they that, a little before, crowded to be of his remotest followers, so soon forsook his dead corps, that he was laid upon the hall-table, nigh to which he fell, and scarce any of his domestics left to attend him. Thus, upon the withdrawing of the sun, does the shadow depart from the painted dial *.”

The murderer was soon recognised to be the same Felton who had served in the expedition to the isle of Rhee ; and, having been carried to a small centry-box, he was loaded with the heaviest irons, and so crippled against the wall, that he could neither stand upright, sit, nor yet lie down.

* Warwick, p. 35.

In the mean time, many messengers posted with the intelligence to court, which was then at a small distance, and, on the other hand, the courtiers flocked as fast to Portsmouth. One of these had a commission to inquire into the fact; and having been admitted to the prisoner, he affected to have come for the purpose of administering comfort with prayer. But Felton at once shewed that he was not to be imposed upon; and, after some inquiry as to his motives, he answered, "I shall be brief, I killed him for the cause of God and my country." "Nay," returned the other, "there may be hopes of his life, the surgeons say so." Felton smiled, and said, he knew well enough that he had given a blow which had terminated all their hopes: "I had the force of forty men," continued he, "assisted by him that guided my hand: It was heaven that gave the stroke, and though his whole body had been covered over with armour of proof, he could not have avoided it." Both now, and afterwards, when interrogated by whose instigation he had perpetrated the deed, he invariably replied, that they needed not to trouble themselves with that inquiry, for that no man living had credit or power with him to have disposed him to such an action: that it proceeded entirely from the impulse of his own conscience, from which he felt perpetual disquiet till he performed it; and that he never had entrusted his purpose to a human soul. He declared himself assured that the fact was justified, and that he was the redeemer of the people's sufferings from the power of the duke's usurpations; and mentioned that his motives,

which were entirely of a public nature, would sufficiently appear, if his hat were examined, as that, conceiving it very probable he should perish in the attempt, he had expressed them in a writing which he had fixed there. He likewise stated, that he had sharpened the point of his knife upon the stone of a cross in his road to Portsmouth, believing it to be more adapted in justice to advance his design than for the idolatrous object for which it had been erected.

At first, this misguided wretch gloried in the act; but, as the passion which had nerved him to the deed subsided with its gratification, better thoughts returned, and his crime stood unveiled to him in its native deformity. He was soon carried to London and examined before the council; where he was again much urged to confess by whose instigation he had performed the bloody deed, and whether the puritans had not been engaged in it: But his answers were uniformly the same as before. Upon this, Laud told him that, if he did not confess, he must go to the rack. The other replied, that, if it must be so, and if what he should then say, were to be received for truth, he could not tell whom he might name, perhaps Bishop Laud himself or any of their lordships, in the extremity of torture, for that torture might draw unexpected things from him. The council upon this, without farther question, remanded him to prison. It was afterwards debated, whether he could legally be put to the rack, when the king, who was present, desired that, before any resolution was taken, the judges should be consulted regarding the lawful-

ness of the measure : For that, *if it might be done by law, he would not use his prerogative in this point.* The question was then propounded to the judges, who, after due consultation, unanimously answered, that the prisoner could not lawfully be tortured by the rack, for that no such punishment is known or allowed by our law. Having received this opinion, Charles abstained from using his prerogative ; and Felton had the benefit of an ordinary trial. In the height of his penitence, the criminal offered his right hand to be struck off before execution, and the king intimated his wish that it might be done ; but the judges declared it to be illegal, and he underwent the usual punishment. His body was hung in chains according to the practice observed in the case of atrocious murders*.

* Franklyn, p. 337. Rush. vol. i. p. 638, 640, 641. Sanderson, p. 120. *et seq.* Howell's Fam. Let. p. 187. *et seq.* Whitelocke, p. 11. Warwick's Memorials, p. 33. Heylen's Life of Laud. p. 186. Laud's Diary. May's History of the Parliament, p. 10. Clarendon's Hist. p. 27. *et seq.* This noble historian interrupts his narrative with a long story about the ghost of Sir George Villiers, the Duke's father, having given a warning of his son's fate no seldomer than three times. Like ghosts in general, however, this was a very silly one: for, instead of going directly to his son, (was the spirit under the same sycophantish awe with the living followers of the duke?) the phantom carried its errand to an officer of the wardrobe, whom in life it had paid attention to at school, but whose situation was too mean to warrant his going directly with the important intelligence to the favourite. The man neglected the warning till the third time, and then he went to a gentleman to whom he was well known, Sir Ralph Freeman, one of the masters of the requests, who had married a lady nearly allied to the duke, and prevailed with him to apply to his grace to grant the officer of the wardrobe an opportunity of speaking with him privately on a subject of the utmost consequence to his Grace. The man gave sufficient information, which he had got from the ghost, relative to Buckingham's private affairs,

Charles happened to be at prayers in his presence-chamber, when Sir John Hippesley entering suddenly, whispered the news in his ear. He received the intelligence with an unmoved countenance; and, when the chaplain paused on learning what had occurred, for the news spread rapidly through every corner of the chamber, the king commanded him to proceed, and remained himself with perfect composure till the end of the service. Hence it was concluded by the court-

Conduct of Charles in regard to the assassination of Buckingham.

to satisfy the duke that he was no impostor, and the Duke was observed to be very melancholy afterwards. But to what all this warning tended, except to create uneasiness at some impending calamity, it is impossible to conceive, since the hint was too dark and mysterious to enable him to provide against the danger. The same noble historian, *in his life*, tells a curious story about an occurrence to himself, in regard to this assassination. He was just reading to his father an account in Cambden, of the apprehension and confession of John Felton, the person who, in Elizabeth's time, affixed the Pope's bull to the bishop of London's gates, when a neighbour rapt at the door, and came running hastily in to announce that a post had just passed through the village, on his way to the Earl of Berkshire's seat, with news of the duke's murder by John Felton! *Life*, p. 5. Sir James Balfour, in his *Annals*, states that one day when the king and his favourite were playing at bowls in Spring Gardens, a Scotsman, of the name of Wilson, indignant at the duke's presumption in remaining covered in the royal presence, which no other ever did, tossed off his hat, and declared he would punish forwardness in the same manner wherever he met with it. But, lo! on a search being instantly made for this reprehender of ill manners, he was not to be found. The courtiers stared at the incident as ominous of the favourite's fall; but the infatuated duke laughed at them for their pains. *Balfour's Annals*, M.S. Adv. Lib.

Mr. Hume says, that the judges, when they delivered their opinion against putting Felton to the rack, "declared, that *though the practice had formerly been very usual*, it was altogether illegal." Now there is not one word to that effect in their opinion. But thus it ever is with that author!

tiers, who studied his looks, that, in his heart, he was not displeased at an event which rid him of a servant so generally odious, as to obstruct all his overtures in parliament, and whom he could neither protect, nor yet desert with honour: But the subsequent indulgence to Buckingham's family and relations, his declaration that the favourite was his martyr, and that far from ruling him, as was erroneously supposed, he was the most obedient servant; together with the small favour shewn to those who sought to recommend themselves by traducing the late minion's character, led to a belief that his apparent indifference proceeded from self-command*. Yet, while it may be admitted that his attachment to the favourite's memory continued, it is by no means unlikely that the mistaken notion, that a personal dislike to Buckingham had been the main cause of such jarring with parliament, might, by the hope of greater submission to his measures, sooth his anguish for the loss. Men's feelings can only be judged of from the expression of them; and there is, assuredly no index to the mind so infallible as the countenance: Nor should it be forgotten that Charles had here no motive for an uncommon exercise of self-command, since, though in whatever regards self, it is magnanimous to be composed, there is nothing ungraceful in bewailing the sufferings of others. But Clarendon's ac-

* Aysc. MSS. Brit. Mus. 4161. vol. ii. Letter from Sir J. Mead, 20th Sept. 1628.

count is inconsistent with the idea of self-command. "His majesty," says he, "when the intelligence was communicated, continued unmoved, and without the least change of countenance, till prayers were ended, when he suddenly departed to his chamber, and threw himself upon his bed, lamenting with much passion, and abundance of tears, the loss he had of an excellent servant, and the horrid manner in which he had been deprived of him: and he continued in this melancholic discomposure of mind many days *."

Now this must have been seen by some one, and communicated to the body of courtiers: Yet the same historian tells us, that persons of all conditions, observing the indifference manifested by the king, at prayers, took great licence in speaking of the duke, and dissecting his faults, thinking that they should not thereby incur his majesty's displeasure! Charles had shewn unbecoming partiality for his favourite, and had been betrayed in his zeal for that individual into fatal rashness, which it is impossible to reconcile with the imputed cause of his composure at the news of his death. It is possible that his grief might be more unallayed afterwards, when he discovered that the hatred of the duke's person arose chiefly from discontent at public measures, of which he was the supposed author; and that, as the same system was still persisted in, the opposition was unabated. When, therefore, courtiers tried to

* Ib. as just referred to. See also Warwick, Howell, &c.

recommend themselves, by traducing the duke's memory, he indecorously told them that they durst not have talked so if the favourite were alive, which was tantamount to a declaration of the unlimited ascendancy of his minion *; though he declared it to be a perfect mistake to suppose that Buckingham controlled him. It reminds us of the humiliating confession of the late king to Williams, "You are a bold man that dare say more than myself †."

Design of
relieving
Rochelle
pursued;
but unsuc-
cessfully,
and the
town sur-
renders.

The king, notwithstanding the duke's death, pursued his design of relieving Rochelle; but with the same success that had distinguished the other military operations of his reign. The fleet destined for the expedition was defective in victuals, tackling, and other materials; but, above all, in skilful commanders. Some efforts were, indeed, made to force the barricado, now nearly completed, at the mouth of the harbour; but, while the British commanders spent two whole days in uselessly cannonading the works at a distance, they refused to support Soubieze in a vigorous attempt upon the mole, which he proposed to make with his own ships; and rejected another proposal by Count Laval, to try to blow it up. In the meantime, the Rochellers were reduced to the last extremity: Of fifteen thousand shut up in this devoted town, eleven thousand had already perished, chiefly with famine; and the survivors had con-

* Aysc. MSS. Brit. Mus. No. 4161. Sir J. Mead's Let. 20th Sept. 1628.

† Hacket's Life of Williams, Part I. p. 207.

sumed almost every thing that could prolong existence. In hopes of relief from England, those gallant but ill-fated men had fed on horse-flesh, hides, leather, dogs, and cats; and when even these means began to fail, they dropt so fast, that the dying, far from experiencing the kind attentions of friends in their last moments, had not the prospect of decent interment. They usually carried their own coffins into the church-yards, and creeping into them, patiently awaited their dissolution: But great numbers lay altogether unburied, a prey to ravens and vermin. The survivors at last, in utter despair of relief, entered into a capitulation. Their noble conduct would have excited the admiration of a generous enemy, while such a spectacle of human misery was not surveyed even by Richelieu without some marks of pity: Yet the terms, hard in themselves, were not observed: great outrages were committed by the conquerors; and the Cardinal himself marked his triumph by a direct breach of faith. Had he been sensible to the just reproaches of the fallen, the indignant, high-spirited reply of Guiton the mayor, must have stung him with shame and remorse for his pitiful baseness: “Had I known that you would not have kept your word with me, the burgesses should have defended themselves to the last man, and I should have then buried myself under the ruins of the town *.”

Though Rochelle, the bulwark of the protes-

* Rush. vol. i. p. 635, 636. Franklyn, p. 338. Howell's Fam. Let. p. 188. Sanderson, p. 126. Larrey, tom. iii. p. 67. *et seq.* and

tant cause in France, was thus subdued, such was the persecution of the reformed churches in that country, that they again implored aid from England, protesting, “that what they wrote was with their tears and their blood.” But, Charles, who had originally so far contributed to their ruin, by lending ships, an act which he solemnly denied to his own subjects; who had drawn them into this war; and who had both bound himself by a special article of the treaty with the Rochellers, not to conclude a peace without express stipulations for the maintenance of their immunities and privileges, and had assured them, by letters under his own hand, that he would never desert them, was now, and had actually been for sometime past, preparing, by a separate treaty, to desert this unhappy class of men in the midst of their calamities*.

Resolutions
taken by the
king and
certain
counsellors
in regard to
the par-
liament.

Parliament was to have reassembled on the 20th of October, but was farther prorogued till the 20th of January. As the time approached,

p. 80. I do not envy the feelings which could dictate such cold-blooded remarks as Mr. Hume indulges in upon the fall of this town; and I must say that his defence of Charles for lending the ships—“that all princes sacrifice to reasons of state the interests of their religion in foreign parts”—and his attack upon the English as a nation of bigots for indulging opposite sentiments, would, in my opinion, wither every just, not to say generous, sentiment in the human breast. The policy that actuated Charles was that of supporting the rights of kings against their subjects, and the people naturally opposed it even on the ground of preserving their own privileges, as has already been proved.

* Mem. du Duc de Rohan, L. iv. Du Chesne Edit. 1666. Sec. partie, p. 222. *et seq.* Guthrie, vol. iii. p. 887. Howell's Fam. Let. p. 188. Historical Pref. to Sir D. Careleton's Letters, p. 31. Larey, tome iii. p. 67. *et seq.* Rush. vol. i. p. 636. vol. ii. p. 4. *et seq.*

his majesty consulted with a select committee of privy counsellors, regarding what it was likely parliament would insist upon, and how such of the privy counsellors who were members of either house should comport themselves, when certain resolutions were entered into: That in the event of its being moved in the lower house, "with any strength," that the merchant's goods should be restored before the bill of tonnage and poundage was entered upon, the privy counsellors should answer, that if the commons would grant the duties, on the same terms as they had been given to his predecessors, it would end all disputes: That, if this answer did not produce the intended effect, the king should himself address them, and declare, that though his predecessors claimed "it not but by act of parliament, yet they took it *de facto* until it was granted; and that his majesty had done the like: *That if they will pass the bill to his majesty, as his predecessors had it, he will do any reasonable thing to declare that he claims not tonnage and poundage, otherwise than by grant of parliament. But that, if this do not satisfy, then to avow a breach, upon just cause given, not sought by the king,*" It was farther observed on this subject, that the bill should be prepared before the meeting of parliament, in the same form as it had been passed to king James, with words giving it from the beginning of the reign: That it should then be presented at the first sitting, and the privy counsellors be ready to declare that his majesty had ordered it, for the purpose of preventing all

questions and debates; and that they ought to persuade them to dispatch the measure; and declare that the commons must return a speedy answer whether they will pass it or not.

The council also took into consideration other matters which they imagined parliament would insist upon,—such as accusing ministers; discussing questions relating to religion which were fit only for his majesty, and a convocation to determine; raising objections to the king's speech on the last day of the former session, as disclosing principles which trenched upon the liberty of the subject:—and it was resolved upon, that, in the event of the commons entering upon any of these topics, the privy counsellors should, at once, intimate that such proceedings could not be allowed, and if persisted in would occasion a breach; and that his majesty should himself declare to them, that he would not suffer them to indulge in such irregular courses*.

Parliament
meets, 20th
January,
1629.

When parliament assembled, the first inquiry of the commons regarded the enrolment of the petition of right, and they discovered that the king's speech at the close of the last session had been enrolled along with it, doubtless to shew that the statute was not to be construed upon its own merits, but according to the meaning afterwards put upon it by the sovereign himself, whose arbitrary measures it was intended in future to protect the subject against. Norton, the king's printer, was

* Rush, vol. i. p. 641-2.

called to the bar, and questioned relative to the additions made to the copies of the petition of right, which had been published, when he informed the house (subsequent investigation confirmed his testimony) that he had acted by a warrant from the king himself.

Their next inquiry regarded the infringement of the public rights during the prorogation, in spite of the petition of right; as the arbitrary and cruel punishment of Savage in the Star-Chamber, and the measures adopted to enforce payment of duties which had not yet been granted by parliament. Some individuals had been committed for refusing, and a command by the Barons of Exchequer sent to the sheriff of London not to execute a replevin for the purpose of recovering goods illegally taken. The grievance was particularly instanced in the case of Mr. Rolls, a member of parliament, whose goods were taken to the value of £5000, in satisfaction of an illegal demand by the government of £200, which he resisted. When he argued his privileges, he was answered by the officers of the customs, "if all the parliament were in you, we would take your goods*."

Infringe-
ment of the
petition
of right
considered.

The last case, that of Mr. Rolls, was referred to a committee, and the officers of the customs were summoned to the bar of the house for the proceeding; but the debate was interrupted by a

* Old Parl. Hist. vol. viii. p. 245. *et seq.* Cobbet's Parl. Hist. vol. ii. p. 436. *et seq.* Rush. vol. i. p. 643.

message from the king to attend him at the Banqueting House along with the Lords*.

In his address to both houses, Charles declared his motive for summoning them into his presence to be a desire to remove every obstacle to a good understanding, particularly in respect to a complaint made in the lower house; and, after paying a compliment to the lords, he proceeds thus:—"The complaint I speak of, is for staying men's goods that denied tonnage and poundage: This may have an easy and short conclusion, if my words and actions be rightly understood; for, by passing the bill as my ancestors have had it, my by-past actions, and my future proceedings will be authorized, which, certainly, would not have been stuck on, if men had not imagined that I had taken these duties as appertaining to my hereditary prerogative, in which they are much deceived; for it ever was, and still is, my meaning, by the gift of my people to enjoy it; and my intention in my speech at the ending of the last session concerning this point, was not to challenge tonnage and poundage as of right, but *de bene esse*, shewing you the necessity, not the right by which I was to take it, untill you had granted it to me, assuring myself, according to your general professions, you wanted time, not will, to give it me." He therefore hoped they would instantly pass the bill, and thus end all dispute, "since he had removed the only obstacle

* Old Parl. Hist. vol. viii. p. 254. *et seq.* Cobbet's Parl. Hist. vol. ii. p. 442. Rush. vol. i. p. 643-4.

that might trouble them.” He concluded with an indirect reprehension of their late inquiries *.

This attempt at conciliation was, surely, ill calculated to effect its object. What credit could be reposed in the professions of a prince who, though he had denied, in the most unqualified terms, the power of parliament to interfere with this branch of revenue, and had caused the speech which he made at the close of the former session to be enrolled along with the petition of right, in order to shew that he had not departed from his pretension to those duties as inherently attached to the crown, yet, now, solemnly declares that it never had been his intention to draw them but as a gift of his people? And what must have been his opinion of the understanding of parliament, when he unhesitatingly used language to this purpose? “The duties belong to me by virtue of my office: The formality of granting them I allow to you: But, in the mean time, I draw them as attached to my prerogative, and as this occasions disputes with my subjects, you must not longer delay to discharge your illusory privilege—else the mockery will be withdrawn.”

The commons were not disposed to pass a bill upon this subject immediately. The principles on which it was asked involved a denial, which must first be abandoned, of their right to give; and, in the present state of affairs, it was necessary to

* Old Parl. Hist. vol. viii. p. 256. *et seq.* Cob. vol. ii. p. 442. Rush. vol. i. p. 644.

Religion.

make some farther provision for civil and religious liberty, before they voluntarily removed the cause of their being continued together. We have already had occasion to shew that religion was made an instrument for disseminating principles destructive of the fundamental laws of the realm; and that, as the innovations introduced were as obnoxious to the religious sentiments of the people, as the real object of them was hostile to their civil rights, it would have become men altogether indifferent to the first, yet zealously attached to the last, to raise their voice against insidious novelties. In that age, however, all men were inspired with reverence for religion, and, however their honest feelings may be derided, most will conscientiously respect them. It is easy to sneer at a popular assembly for entertaining topics of discussion about free-will and necessity—the Arminian tenets—points which philosophers have not been able to determine; but the remark, how deep soever apparently, is not founded upon a comprehensive view of things: Even in a religious view alone, parliament, unless composed entirely of sceptics, could not be indifferent to such matters; and as the sovereign had, by encouraging, obtruded, the Arminian opinions upon the people, so it belonged to the legislature to watch over the purity of the established church, and check the arbitrary encroachments of ecclesiastics. Their views appear, from the debates, to have been much founded on the political consequences, and indeed, are well expressed by Mr. Rouse in the following language. Having at-

tacked Arminianism as the spawn of popery, he proceeds thus, “ If you mark it well, you shall see an Arminian reaching out his hand to a papist, a papist to a Jesuit, a Jesuit gives one hand to the Pope, and another to the king of Spain,—and these men having kindled a fire in our neighbour country, have now brought over some of it hither to set on flame this kingdom also : *Yea, let us farther search and consider, whether these be not the men that break in upon the goods and liberties of this commonwealth, for by this means they make way for the taking away of our religion :* It was an old trick of the devil ; when he meant to take away Job’s religion, he began at his goods, saying, lay thy hand on all he hath, and he will curse thee to thy face : Either they think thereby to set a distaste between prince and people, or else to find some other way of supply, to avoid or break parliaments : That so they may break in upon our religion, and bring in their errors. But let us do as Job did, who, being constant against temptation, held fast his religion, and his goods were restored to him with advantage ; so if we hold fast God and our religion, these things shall be added unto us : Let us consider the times past, how this nation flourished in honour and abundance, when religion flourished amongst us ; but, as religion decayed, so the honour and strength of this nation decayed also :—When the soul of a commonwealth is dead, the body cannot overlive it. If a man meet a dog alone, the dog is fearful, though never so fierce by nature ; but, if that dog have his master by him, he will set upon

that man, from whom he fled before. This shews, that lower natures, being backed with the higher, increase in courage and strength; and certainly man being backed with omnipotency, is a kind of omnipotent creature; all things are possible to him that believeth, and where all things are possible, there is a kind of omnipotence. Wherefore let us now, by the unanimous consent and resolution of us all, make a vow and covenant henceforth to hold fast our God and our religion; and then may we certainly expect prosperity on this nation *."

Innovations
in religion.

It is a singular fact, that the high-church party should now arrogate the very power which had been so greatly objected to in the presbyterians—that of being independent of the civil authority, and that they should have been keenly supported in their pretensions by the king himself, whose preposterous interference with religion was one of the main causes of his ruin. But he acted upon the principle attributed by Hacket to the king of Spain, who "would," says he, "make the pope too big for a priest, that the pope might make him too great for a king†." He that nominated the bishops, could rule them, and, in this way, a door was opened for any innovation; as the church, settled by divine authority, must have the power of making canons, regulating the external worship, &c.; and the people, it was anticipated, once subdued by superstition, would listen to the doctrine not of passive obedience only, but of active also.

* Old Parl. Hist. vol. viii. p. 258. *et seq.* Rush. vol. i. p. 645.

† Hacket's Life of Williams, part. i. p. 128.

“ There never was,” said Sir Walter Earl, “ in point of subsistence, a more near conjunction between matter of religion and matter of state, in any kingdom in the world, than there is in this kingdom at this day *.” We have already alluded to the works of Montague, and may observe here, that Cozens in his horaries reduced observances approximating to the popish, to a regular form, and maintained the seven sacraments, &c. &c. while Prynne, for answering the production, was summoned into the Star-Chamber, and only escaped punishment at this time, from the dread entertained by Laud of the Parliament. Vengeance however, was merely suspended. The circumstance was remembered, and terribly visited upon him in another form †. The communion table was converted into an altar, in imitation of the high altar, adorned with candlesticks, &c. and people were enjoined also to make obeisance to it by bowing, to stand up at *gloria patri*, &c. ; pictures, lights, and images were set up in churches, crossing introduced on every occasion, as also praying towards the east; women were ordered not to be churched without a veil ;—in short, new pomp and ceremony were daily introduced. The Romish party too were treated with increased indulgence ; and a favourite bishop even told one of his diocesan clergy, “ that he must not preach against papists now as he had formerly done ‡.”

* Old Parl. Hist. vol. viii. p. 268. Cob. Parl. Hist. vol. ii. p. 450.

† Heylen's Life of Laud, p. 173-4. 230.

‡ Old Parl. Hist. vol. viii. p. 283.

These and other innovations, with the usurped powers, taken along with the rigour shewn to all who declined to conform to them, occasioned many warm speeches in the lower house. Mr. Kirton charged them to the ambition of some clergy near his majesty, and observed, "that the highest dignity that they could attain in England was an archbishopric, but that a cardinal's hat was not there to be had *." In the course of the debates, the pardons of Jesuits, and of Manwaring, Sibthorpe, Cozens, &c. the denial of the supremacy, the innovations in regard to the altar and doctrinal matters, the power arrogated of altering canons, &c. were all warmly exposed. On the last point, it was remarked that, under the exercise of such a power, the Romish or any other superstition might be introduced: That it belonged to parliament, the fountain of all law, to protect religion; that it had ever enjoyed the right; and that it was inconceivable how any other authority in the state

* "They," (the commons,) says Sir John Mead, in one of his letters, "were very hot against Cozens, and no matter if they trounce him, he is a most audacious fellow, and I doubt scarce a sound protestant, and takes upon him most impudently to bring superstitious innovations into our Church, as, for example, Dr. Ward shewed me a letter the other day from Durham, wherein were these words: Mr. Cozens was so blind at Even-song on Candlemas, that he could not see to read prayers in the Minster with less than 340 candles, whereof 60 he caused to be placed about the high altar. Besides, he caused the picture of our Saviour, supported by two angels, to be set in the quire upon Bish. Hatfield's tomb." Aysc. MSS. Brit. Mus. No. 4161. vol. ii. March 29th, 1628-9. There were three editions of his horaries, to suit different capacities. Ib. Old Parl. Hist. vol. viii. p. 288-9. 294. 319. *et seq.* Cobbet's Old Parl. Hist. vol. ii. p. 419. *et seq.*

could ; for that as the archbishop of Canterbury's jurisdiction extended only over his own province, the principles established there might be opposite to those established in the province of York ; And that it was absurd to talk of the high commission, since it had unquestionably derived all its power from parliament. On the subject of the pardons to Manwaring, &c. which was referred to a committee, Oliver Cromwell appeared as a speaker ; and as he afterwards performed so memorable a part, we shall give the reported substance of his speech : “ That he had heard by relation from one Dr. Beard, that Dr. Alabaster had preached flat popery at St. Paul's cross ; and the bishop of Winchester, Dr. Neill, commanded him, as he was his diocesan, he should preach nothing to the contrary : That Manwaring, so justly censured for his sermons in this house, was, by this bishop's means, preferred to a rich living. If these be the steps to church preferment, what are we to expect * ? ”

These proceedings in the lower house were extremely disagreeable to the king and his advisers, amongst whom Laud was now ranked the chief ; and, according to the resolution formed before the commencement of the session, Charles, to put a period to these discussions, attempted, by repeated messages, to hasten the bill of tonnage

* Old Par. Hist. vol. viii. p. 289. Cobbett's do. vol. ii. p. 464. Rush. vol. i. p. 655. Dr. Beard had been Cromwell's preceptor,

and poundage, under the pretence of terminating disputes with his subjects. The messages, however, did not induce the Commons to abandon the only course which promised the smallest probability of public security to the established religion; and, in addition to their vow to maintain it, they petitioned the throne for a fast, in consequence of the distressed state of the Protestant churches abroad. He replied, that fighting would do more good for their protestant friends abroad, than fasting; yet that he would grant their request, though he hoped such demands would not be too frequently made*.

Though Charles at last admitted that he had no right to tonnage and poundage, except as a parliamentary grant, he continued to draw them as inseparably annexed to his office; and the Commons resolved to vindicate the public privileges on this point, well observing, that if the duty were the king's by right, it was not theirs to grant. The customers were, therefore, summoned before the house; but the king intimated that they had acted by his orders. The barons of exchequer were likewise summoned by them to the bar; when, with unblushing assurance, they declared, that law had not been denied; for that replevin, the course adopted, was not the legal one with the king. But they prudently refrained from discovering what

* Old Par. Hist. vol. viii. p. 264-6. Cobbett, vol. ii. p. 447. Rush. vol. i. p. 650-1. Franklyn, p. 343.

they apprehended to be the proper course; and their conduct excited great indignation*.

As every thing tended to a breach, so the temper of the Commons became more inflamed. The king, perceiving this, commanded them to adjourn. The command was not obeyed; and Sir John Elliot, roused by it, inveighed bitterly not only against the late innovations, and the bishops who favoured them, but against the lord treasurer, Weston, “in whose person,” said he, “all evil is contracted, both for the innovation of our religion,” (he was then a suspected papist, and died an avowed one,) “and invasion of our liberties—he being the great enemy of the commonwealth. I have traced him in all his actions, and I find him building on those grounds laid by his master, the great duke. He is secretly moving for this interruption, and through fear they break parliaments, lest parliaments break them. I find him the head of all that party, the papists; and all the Jesuits and priests derive from him their shelter and protection. I protest, as I am a gentleman, if my fortune be ever again to meet in this honourable assembly, where I now leave, I will begin.”—Upon this the speaker delivered a message from the king to adjourn for a fortnight; but it was disregarded, and Elliot proposed a remonstrance against taking tonnage and poundage, when he remarked, that the great instruments in that business were moved

Elliot's
speech
against
Weston,
conduct of
the speaker,
last ad-
journment,
&c. March
2, 1629.

* Rush, vol. i. p. 654. Old Par. Hist. vol. viii. p. 301. Cobbett, vol. ii. p. 472, *et seq.* Franklyn, p. 345.

at the lord treasurer's command; that, out of selfish motives, he dismayed the merchants, and invited strangers to come in, and drive out our own trade. The remonstrance, however, both the speaker and clerk positively refused to read; and Elliot did it himself. Yet another interruption arose from the speaker, who refused to put the vote, declaring that he was commanded not to do it by the king; and, notwithstanding a spirited rebuke from Selden, he left the chair. But Hollis, Valentine, and others, in spite of the efforts of the courtiers, drew him back to his seat, and held him there. He then declared, that he durst not discharge the duty required of him, and shed abundance of tears. This called forth a still severer rebuke from Selden; and Mr. Peter Hayman, his relation, told him, "he was sorry he was his kinsman, for that he was the disgrace of his country, and a blot of a noble family; that all the inconveniences that should follow, yea, their destruction, should be derived to posterity, as the issue of his baseness, by whom he should be remembered with scorn and disdain; and that he, for his part, since he would not do his duty, thought he should be called to the bar, and a new speaker chosen."—As, however, neither advice, rebuke, nor threats, overcame the speaker's resolution, Hollis read certain articles as the protestation of the house: That whoever introduced innovations in religion, should be reputed a capital enemy to the commonwealth; That whoever advised taking of tonnage and poundage, which were not yet granted by parliament,

should be reputed the same: and that all who submitted to the impositions should likewise be held as betrayers of, and enemies to, the liberties of England. These articles were passed by acclamation; but, in the meantime, the king, understanding that the commons declined to adjourn at his command, sent the serjeant to lift the mace from the table. He was, however, detained; the door being locked, and the key committed to the custody of a member. Upon this, Charles dispatched the usher of the black rod to dissolve them; but the usher could not get admission, and reported to his majesty that the door was locked; the other, in a fury, sent for the captain of the pensioners and the guard to force the door—when the commons, having completed their protestation, voluntarily adjourned till the 10th of March, and thus prevented the mischief*.

Immediately after this, Hollis, Elliot, Selden, Hobart, Valentine, Curriton, and others, were summoned before the council; and Holles, Elliot, Valentine, and Curriton appeared, but having refused to answer out of parliament for what they had said or done there, they were committed close prisoners to the tower. A proclamation was issued for the apprehension of the others, and the studies of some of them were sealed up. Sir Robert Cotton had lately, as we have related, been consulted upon the critical posture of public affairs; but this did

Hollis, Elliot, &c.
committed,
&c.

* Rush, vol. i. p. 659, *et seq.* Old Parl. Hist. vol. viii. p. 326, *et seq.* Cobb. vol. ii. p. 487, *et seq.* Franklyn, p. 346. Rush, Id. p. 661, *et seq.* Franklyn, p. 347.

not save him from the evil with which he had previously been threatened—the loss of his invaluable papers, because he was charged with imparting ancient precedents to the lower house ; and the event is said to have so affected his spirits, as to hasten his death *.

Parliament
dissolved
10th March
1692.

On the 10th of March, his majesty, in person, dissolved the parliament. He addressed the lords courteously, and attributed the dissolution to the seditious carriage of some vipers in the lower house. But he afterwards published his reasons for this important measure, and since the petition of right has been pronounced so important an accession to English liberty, it may not be improper to observe that Charles now, as he had done at the prorogation, declared that he never imagined that, in granting it, he had renounced any right that had descended to him ; and that he desired the people not to misinterpret or pervert that statute ; for that, while he would maintain his subjects in their just liberties, he expected as much submission and duty to his authority and commands as had been yielded to the greatest of his predecessors †.

Great was the public discontent at the dissolution ; and it testified itself even in libels cast abroad against the king's most inward counsellors. One against Laud was to this effect : “ Laud, look to thyself, be assured thy life is sought : as thou

* Cotton died 6th May, 1631. Biog. Brit. Cotton, Ays. MSS. No. 4161. Vol. II. No. 53. Let. 12th May.

† Rush. vol. i. p. 660, *et seq.* Franklyn, p. 347. Old Parl. Hist. vol. iii. p. 333, *et seq.* Cobbet's Parl. Hist. vol. ii. p. 491, *et seq.*

art the fountain of wickedness, repent of thy monstrous sins before thou art taken out of the world, and assure thyself, neither God nor the world can endure such a vile whisperer to live." There was one equally bad, too, against the lord treasurer Weston*.

The king determined to proceed against the imprisoned members, in the Star-Chamber, and certain queries were privately propounded to the judges, rather to ascertain how far they could be depended on in supporting the prerogative, than for the purpose of acquiring legal information. One of them, though he did not cease to hold his office on such terms, often highly complained of thus sending privately to the judges for their opinions beforehand, predicting, "that if Bishop Laud went on in his way, he would kindle a flame in the nation†."

The imprisoned members now took out writs of *habeas corpus* in the King's Bench, and the case was argued as to its being bailable; but, when the court were ready to deliver their opinion, Charles prevented the appearance of the prisoners, by sending them to different prisons. For this extraordinary proceeding, he, in a letter to the judges, alleged that the prisoners had conducted themselves insolently at the bar. At first, an exception from this gross injustice was intended in favour of Selden and Valentine; but another letter, withdrawing the indulgence, succeeded the former in three

* Rush. Ib. p. 662.

† Whitelocke, p. 13.

hours. In this stage of the business it was intimated to those gentlemen, that if they would petition the throne for their liberty, and express contrition for having offended the king, they should be instantly restored to their liberty, and the proceedings against them be dropped : But, as this necessarily imported a recognition as legal of that arbitrary course which they opposed, and would have branded their parliamentary proceedings as seditious—equally betraying the public liberties, and degrading themselves, they declined to purchase immunity from oppression on such terms. Their obstinacy, as it was called, still farther inflamed the king. In the mean time, after they had lain thirty weeks in confinement, they again moved to be bailed, and the reasonableness of the demand was admitted : but a condition was tacked to the judgment which deprived them of its benefit. The only question before the court was, bailable or not ? Yet the judges insisted upon sureties to a large amount for their future good behaviour. So unjust a demand was properly resisted ; the prisoners maintaining that it implied an admission of culpability in the matters objected to them, and was injurious to the parliament : That they demanded to be bailed, not as an indulgence, but as a right ; and that, in the whole argument upon this point, there never had been a hint given of such a condition. The judges attempted to intimidate them, but they continued firm ; and one of their number, Mr. Long, who had already found sureties to the extent of L.2000, in the Chief-Jus-

tice's chambers, for good behaviour, now retracted the concession, declaring "good behaviour to be a ticklish point." Indeed, under such circumstances, it was impossible to determine what might be construed into a breach of it.

The cases were now withdrawn from the Star-Chamber, and informations exhibited against the prisoners in the King's Bench, questionless from the idea, that it would be most convenient to accomplish an arbitrary measure in an ordinary court. The prisoners still argued that they were not responsible to that court for their parliamentary conduct: but their plea was over-ruled, and the following sentence, though they still demurred to the jurisdiction, pronounced:—I. That every one of the defendants should be imprisoned during the king's pleasure, Sir John Elliot in the Tower, the rest in other prisons. II. That none of them should be liberated without having given sureties for future good behaviour, and made a submission and acknowledgment of his offence. III. That Sir John Elliot, as the greatest offender and the ringleader, should be fined L.2000, Mr. Hollis 1000 merks, and Mr. Valentine, as the least wealthy, L.500*.

Sir John Elliot, whose eloquence and talent were universally admitted, died in jail, thus falling a sacrifice to his patriotism—a death far more honourable to his integrity than any suffering on the scaffold or in the field. A man of ordinary firmness may summon up resolution to meet a sudden

* Rush. vol. i. p. 662-70. 679, *et seq.* 683, *et seq.* Franklyn, p. 348, *et seq.* Whitelocke, p. 13, 14.

catastrophe, but it requires a mind of the first order, to maintain one's spirit in the seclusion of a prison, unwearied by long confinement, unsubdued by the slow approach of mortal disease. The character of such an individual could not escape the libellous attacks of the court party, whose own vindication required the defaming of a man they had so unjustifiably ruined ; but the charges in which they have indulged do not rest on satisfactory evidence. A censure, however, by one attached to the principles for which he contended, deserves more attention : That he mistook the real posture of affairs, and acted unseasonably, bringing mischief to himself without benefit to the Commonwealth* ; and it must be confessed, that there is no folly greater than that of needlessly provoking oppression when the power cannot be resisted ; no criminality deeper than that of encouraging the people to resist an arbitrary government without the fairest prospect of success : whoever does this, is, in the language of Ludlow, responsible for all the blood that is shed. In defence of Elliot, however, it may well be alleged that, though the event did not, for some years, seem to justify his hope of an immediate powerful opposition to the present illegal courses, he had great cause to expect that the crown would have found it necessary to summon another parliament within a short pe-

* May's Hist. of the Parliament, p. 14. He petitioned often for his liberty, on account of his health, and his physician gave testimony in regard to the necessity of his being released, to preserve his life ; but no relaxation was granted. Ib.

riod, when his virtuous struggle would have been rewarded by fresh provisions for public freedom.

These proceedings struck so directly at every vital principle of the constitution, as well as at every provision for personal security, and were so hostile to the petition of right, that it was to have been imagined there could only be one opinion upon the subject. Yet Mr. Hume questions whether they deserve the name of severity, while he sneers at the patriotic sufferings of Elliot and the rest, because they might have purchased immunity from oppression by submission. Upon the same principle, any arbitrary institution or measures might be justified; since the utmost that an arbitrary government promises itself by severity or cruelty, is unqualified obedience. They who never dispute commands are always exempt from punishment: But it cannot be denied, that matters were arrived at such a crisis, that any future exercise of parliamentary right was incompatible with those measures, and, from the after proceedings of the government, it may justly be concluded, that, had these gentlemen made the concessions demanded of them, the next attempt at opposition would have been visited with a very different chastisement*.

* Charles sent for, and personally consulted, the Chief Justice and Justice Whitelocke upon this very case, and, says Rushworth, "seemed well contented with what they answered, though it was not to his mind, which was, *that the offences were not capital, and that by law the prisoners ought to be bailed, giving security for good behaviour.*" Vol. I. p. 682.

CHAPTER IV.

From the Dissolution of the third Parliament till the breaking out of the Scotch troubles—Characters of, the Queen, Laud, Wentworth, Earl of Strafford, Noy, &c.—Peace with France and Spain—A sketch of operations in regard to the Palatinate—Persecution of Leighton, Prynne, Bastwick, and Burton, &c.—Innovations in the Church—Arbitrary measures and ways of raising money—Ship-money—Case of Hampden.

Charles publishes a proclamation forbidding the mention of another parliament.

HAVING now, after a fair trial, fully discovered that parliaments were not to be converted into passive instruments of his will, Charles determined to renounce the use of assemblies which he could not controul, and, by assuming the whole powers of the legislature, to disregard all the forms, as well as the spirit of the constitution. He even issued a proclamation, in which he forbade the very mention of another parliament, as he, who alone had the power, was the best judge when to assemble it, and declared that, though such an event might happen, it could only be after the country had evinced a better disposition, and the vipers of the commonwealth had suffered the condign punish-

ment of their demerits *. We now, then, enter upon a new epoch of this reign, and therefore we shall take a view of the leading characters that governed public affairs.

The queen was of a small stature, yet she was reckoned handsome. Her countenance was pleasant, her manners were sprightly †, and her fidelity to her husband undoubted. But a naturally haughty and violent temper had been confirmed by early habits, while her religion, and the ideas imbibed by her, even in infancy, regarding the unlimited obedience of the subject, were repugnant to the feelings of Englishmen. The unhappy terms on which at first she lived with her husband, terminated with the existence of Buckingham, the envious disturber of her peace; and she immediately began to acquire that ascendancy over Charles which proved calamitous to both. Two apparently inconsistent qualities have been remarked in this prince—uncommon obstinacy, and yet diffidence in his own judgment; but the inconsistency is more apparent than real. A great mind pursues the mature dictates of its judgment, unmoved by a senseless cry of opposition, while it is ever ready to listen to sound reasons for altering its course: obstinacy is the offspring of humour and passion, and, as it has not the sanction of the understanding, which it is yet anxious to impose upon by specious arguments, it looks abroad for the sup-

Character
of the
queen.

* Rush. vol. ii. p. 3. See also previous declaration already referred to, Vol. I. Append.

† Aysc. MSS. 4161. Brit. Mus. 2d vol. Let. 2d July, 1625.

port of another's judgment. If a person with such a disposition have power, the flatterer is ever at hand to study his humour, and watch the favourable moment for confirming it—till he who began to falter under the general censure, follows his predetermined course with new alacrity. The flatterer is now consulted on every emergency, and by still attending to his patron's master-passion, rules him in most particular instances. False pride, and an extreme love of power, propelled Charles to violent courses; but his fortitude forsook him as the precipice disclosed itself. On these occasions the queen's imperious temper, when not affected by a sense of personal danger, coming in timely aid of his wavering purpose, gave her the ascendancy; and hence her influence predominated in proportion to the criticalness of his circumstances.

Laud.

As Laud was noted to be the most intimate adviser of the king after the death of Buckingham, a sketch of his character is particularly requisite towards a correct knowledge of the ensuing events. Even at college he was suspected of Popery, to such a height did he carry the pretensions of the clergy, with all the tenets of the Romish religion, except the mere supremacy of the Pope*. The divine institution of bishops, whence he would have attached unconstitutional power to them; the use of images and ceremonies, the tutelar pro-

* See Abbot's Narrative in Rush. also Heylen's Life of Laud, introduction and early part.

tection of saints and angels, and the invocation of saints; the adoration of the altar, &c.; the real presence, (he stickled for this, while he denied transubstantiation,) auricular confession, and absolution, were amongst his most favourite principles. With regard to the Romish Church, he maintained it to be the mother church, and, though defiled with some impurities, which, however, he never defined, to agree with the English in fundamentals, particularly in sacraments. Master of the scholastic learning connected with his peculiar tenets, he yet had neither taste for polite literature, nor comprehension for profounder studies. His writings, I refer particularly to his chief work, the conference with Fisher the Jesuit, as they are full of syllogistic subtlety in maintaining unmeaning or at best insignificant distinctions, shew an acute but a little mind, and afford no mark of any vigour of intellect*. Regarding the crown not only as the fountain of all his own hopes, but as the surest support of the altar, he laboured no less assiduously to promote the cause of royalty, by inculcating the divine right of kings, and the

* See Heylen's Introduction to the Life of Laud, in regard to principles and the Life itself; Baillie's Canterbury's Self-conviction, Prynne's Necessary Introduction to the Trial of Laud, Breviate, and Hidden Works of Darkness. Then as Laud approved of Montague's, Cosen's, and Heylen's works, we must consequently also refer to them. See also Laud's own work, Conference with Fisher the Jesuit, passim. but particularly about Tradition, p. 58-9—Baptism, p. 56-7—Real Presence, p. 286-7. Also Speech in Star Chamber.

incontrollableness of their power, than to advance the authority of his order.

Entering the world without patrimony or friends, it is not wonderful that he remained long in obscurity; but the first great act of his life shewed how ready he was to make any great sacrifice for patronage. In 1605, he filled the office of chaplain to Mountjoy, Earl of Devonshire, whose services in Ireland procured for him high marks of royal favour. This nobleman had long lived in adulterous intercourse with the Lady Rich, daughter of Devereux, the unfortunate Earl of Essex, whom he had seduced from her husband—conduct which, notwithstanding the licentiousness of a few, was strange to the habits, and abhorrent to the sentiments of the people; and Laud, far from shunning the service of a person, however eminent in station, who thus shamelessly set at open defiance one of the first maxims of religion and laws of morality, as well as public opinion, was unprincipled enough to minister to his patron's passion by prostituting his holy calling to give the appearance of sanctity to the connection. Though the lady was the mother of many children to her husband, he performed the sacred rites of marriage over the profligate pair—an offence against both the civil and religious institutions of his country, which, according to his own confession, he committed against the dictates of his conscience: nor could he advance the plea of youthful inexperience, were it even admissible in such a case, since he had then completed his thirty-second year.

But, for once, wickedness was properly rewarded. The earl forfeited by it the countenance of the king and the respect of the people—a punishment to which his proud spirit was so unequal, that he did not long survive the consciousness of disgrace; while Laud, whose guilt, as the pander to adulterous lewdness, was of an infinitely deeper dye, instead of gaining promotion, raised against himself such a bitter cry of reproach, as threatened to blast his prospects for life *.

He now paid the most assiduous court to Neil, Bishop of Durham, (famous for his sycophantish reply to James in regard to his right to tax the sub-

* An apology has been attempted for the Earl and the Lady, which yet would not apply to Laud, that she originally loved the Earl, but he being then a younger brother, she was forced into a marriage with Robert, Lord Rich, who used her ill, and that he might defraud her of her dowry, compelled her to acknowledge herself guilty of adultery with a nameless stranger, and thus obtained an ecclesiastical divorce: But in the last there appears to be no truth; and it does not seem to have even been alleged by Laud in his own vindication. The former will always be more or less pretended; and at all events, what is this to Laud, who held marriage to be an indissoluble sacrament, and raised a flame in Scotland by enforcing this point? See Heylen's *Life of Laud*; *Diary*; MS. in Lambeth Lib. No. 943. p. 47. This is said to have been written by the Earl himself, but it bears internal evidence beyond all doubt against that idea. I conceived that the records might determine the point of divorce, but I was assured upon due inquiry, that the search was next to impracticable.—*Abbot's Narrative*.—The Lady Viscountess Purbeck had been censured in the High Commission for adultery; (Laud's *Diary* for Nov. 1627.) and as the proceedings were illegal, Laud was fined for it by the long parliament. He writes in his diary, “say the imprisonment were more than the law allowed, what may be done for honour and religion's sake?” Does not this prove that they who have most need of mercy are the last to shew it?

ject at pleasure, and notorious for his High-Church principles,) making it his duty at Oxford, where he continued to reside, to discover a ground of quarrel in the lectures of the public readers, and to ascertain what books were in the press, and scan their principles, that he might communicate grateful information to his patron, whose object again was to fill the royal ear with complaints. In this employment Laud was so successful in pleasing the bishop, that by that prelate's means he was introduced to court. But, as if he had been destined to obscurity, he remained there so long without particular notice, that he had almost determined to leave it in despair, when the countenance of Buckingham enlivened him with hope. To others, the smile of the great man was the infallible harbinger of fortune, but Laud seemed doomed to be an exception, as all the favourite's influence failed for a time to promote him. This was partly owing to the opposition of Archbishop Abbot, and partly to the king's own dislike of the man. Abbot, who had known Laud at the university, not only abhorred his principles, but, from the marriage alluded to, considered him as an individual unworthy of any dignified office in the church: James, too, had himself had an opportunity of observing Laud, who, through the interest of Williams, had accompanied him to Scotland; and as he had formed an exact estimate of his character, he withheld his patronage in a manner never practised towards any other creature of Buckingham. But the favourite was not to be diverted from his purpose,

and when the bishopric of St. David's became vacant, he employed Williams, who, as one of his creatures, durst not refuse the duty assigned him, to mediate with the king to bestow it upon Laud: the dialogue which Williams held with his majesty on the occasion, is so characteristic, that we cannot forbear from transcribing it from Hacket's life of that prelate. "Well," says his majesty, "I perceive whose attorney you are. Stenny hath set you on. You have pleaded the man a good Protestant, and I believe it: Neither did that stick in my breast, when I stopt his promotion: But was not there a certain lady that forsook her husband and married a lord that was her paramour? Who knit that knot? Shall I make a man a prelate—one of the angels of my church, who hath a flagrant crime upon him? Sir," says the lord keeper very boldly, "you are a good master; but who will dare serve you, if you will not pardon one fault, though of a scandalous size, to him that is truly penitent for it? I pawn my faith to you, that he is heartily penitent, and there is no other blot that hath sullied his good name. Velleius said enough to justify Murena that he had but one fault, *sine hoc facinore potuit videri probus.*" "You press well," returns the king, "and I hear you with patience; neither will I revive a trespass any more, which repentance hath made dead; and because I shall not be rid of you unless I tell you my unpublished cogitations; the plain truth is, I keep Laud back from all place of rule and authority, because I find he hath a restless spirit, and cannot

see when things are well, but loves to toss and change, and to bring matters to a pitch of reformation floating in his own brain, which may endanger the steadfastness of that which is in a good pass, God be praised. I speak not at random; he hath made himself known to me to be such a man: For, when, three years since, I had obtained of the assembly of Perth to consent to five articles of order and decency in correspondence with this church of England, I gave them promise by attestation of faith made, that I would try their obedience no farther anent ecclesiastic affairs, nor put them out of their way, which custom had made pleasant to them, with any new encroachment. Yet this man hath pressed me to invite them to a nearer conjunction with the liturgy and canons of this nation; but I sent him back again with the frivolous draught he had drawn. It seems I remembered St. Austin's rule better than he: *Ipsa mutatio consuetudinis etiam quæ adjuvat utilitate, novitate perturbat* *. For all this, he feared not mine anger, but assaulted me again with another ill-fangled platform to make that stubborn kirk stoop more to the English pattern; *but I durst not play false and loose with my word*. He knows not the stomach of that people; but I ken the story of my grandmother the queen regent: That, after she was inveigled to break her promise to some muti-

* There is much shrewdness in all this; but, unfortunately, in practice James forgot his maxims, and this of St. Austin's in particular.

neers at a Perth meeting, she never saw good day, but from thence, being very much beloved before, was despised of all the people." Williams condemned this part of Laud's conduct, not for its wickedness, but dangerous consequences, yet continued to press his suit: "And is there no whoe but you must carry it?" said the king, "Then take him with you; but, on my soul, you will repent it;" and so went off with anger in his looks, and other ominous words in his mouth*.

Having thus been instrumental in obtaining a bishopric for Laud, Williams heapt upon him other marks of his favour. The revenue from the prelacy was small, therefore he continued Laud in his prebend of Westminster, and, within a twelvemonth, conferred upon him, unsought, a living of about £120 a-year. When the news of this last gift were carried to Laud, he, in these extravagant words to the messenger, thus vented his gratitude: "Mr. Winn, my life will be too short to requite your lord's goodness†." Yet Williams soon discovered with what prophetic truth the king had warned him of his danger. Having mounted thus far, and daily finding himself faster rooted in the favourite's affections, Laud raised his hopes to the highest dignity in the church, as well as to great influence in the cabinet; and as Williams appeared to be his only rival, he laboured to supplant and ruin the very man to whom he had vowed a life of gratitude. The

* Hacket's Life of Williams, part i. p. 63, 64.

† Hacket's Life of Williams, part ii. p. 65, 66.

visions that filled his waking thoughts disturbed his slumbers. His dreams he faithfully recorded with superstitious reverence, and from those that related to his rival, he drew an augury of success. Buckingham's absence in Spain opened a new field for the exercise of his talents, and Williams sank under them. Had the latter quietly retired to his bishopric, he might have been permitted to live in security ; but as no ill treatment discouraged him from the most ardent professions of devotion to his great patron, and to the king ; and he seemed more than once in a fair way to recover his ground, a restless and tormenting jealousy urged Laud to "batter him with new and old contrivances for fifteen years." His own breast reflected the scorn and hatred he had inspired. He anticipated the revenge he merited, in the event of a change of fortune, and he saw no safety but in the utter ruin of his former benefactor. Sequestered from the exercise of his prelacy, deeply injured in his circumstances, and a prisoner in the Tower, Williams was still an object of terror. The only condition on which Laud agreed to withdraw his malice, was, that he resigned his bishopric, and retired to Ireland. But this the other positively refused, declaring that if he went thither, he should fall under the power of a man (Wentworth) who in a few months would find out some old statute or other to cut off his head*.

* In the account of the persecution of Williams, this shall be proved ; therefore we abstain from loading our pages with references here.

Placed at the head of the ecclesiastical and civil government, Laud betrayed all the presumptuous insolence of a little mind, intoxicated with undeserved prosperity. He assumed the state of a prince, and, by the ridiculous haughtiness of his manners, disgusted men of high rank and influence in society, who were attached to his measures *. But he had now an opportunity of displaying that restlessness of disposition imputed to him by the late king. Besides the ambition of raising the body of which he stood at the head, he was inspired with the notion of glory that would redound to him from bringing the church back to her native principles—in other words, restoring the power of the priesthood, and introducing again every thing mischievous in the catholic worship. But, like all men of strong passions, he counteracted his object by his haste to accomplish it. In order to raise the clergy, he procured for them the civil offices of state. But this necessarily alienated many of the principal families, who thus saw themselves precluded from situations to which they imagined their birth and station entitled them. Then, in

* See a curious instance of this in Clarendon's Life by himself, vol. i. p. 32. The popular party reproached Laud with his birth; but if they had then had no better ground of attack, it would have justly been despised. Yet it must be confessed, that a person without birth, who treats other men, of a lower sphere in society, with scorn, has no cause to complain of being reminded of his origin.—Laud felt this attack most severely. See Heylin's Life of him, p. 47. See Bastwick's Litany. May's Hist. p. 28. Hutchinson's Mem. vol. i. p. 133.

the prosecution of his schemes for reforming religion, he hurried on, without regard to popular feeling. The discontent which he occasioned, served only, by wounding his pride, and exciting his fears, to push him into greater extremes. Viewing matters through the mist of his own contracted prejudices, and ignorant of the world, he mistook the insidious calm produced by his tyrannical courses—a calm which is ready to burst into a storm—for submission to authority. In the expression of public feeling, which generally is spent in words, he discovered a principle of hostility, which would only be content with the absolute overthrow of the hierarchy. Hence, the very fear which should have inspired moderation, operating on a narrow and extremely irritable mind, kindled persecution, terror being the natural parent of cruelty; and, to crush disaffection, he pursued measures which set the empire in a flame.

That Laud was somewhat convinced of the importance of his innovations in a religious sense, may be admitted; for men seldom follow the dictates of ambition, and invent arguments to convince others, without becoming converts to the principles they inculcate; and, as a person liberally educated, he was remarkably prone to superstition. His diary is extremely succinct; yet a large portion of it comprehends a circumstantial account of his dreams. Every little incident was regarded as an omen: the very entrance of two robin red-breasts into his study, startled him, and is particularly related. Much of this may no doubt be ascribed to

the age ; but no inconsiderable portion of it must also be imputed to the individual. Great pains have been taken to expose the Puritans to ridicule for their superstition ; but few of them were so deeply imbued with it as Laud.

Such was the man to whom the happiness of millions was entrusted.

The next great actor in the following tragic scenes ^{Wentworth.} was Sir Thomas Wentworth, of Wentworth-Wood House, successively created a baron, a viscount, a privy-counsellor, lord president of the north, lord-deputy of Ireland, and, last of all, earl of Strafford, and lord-lieutenant of Ireland. We have already remarked, that a great mistake has existed in regard to this individual, in consequence of his having been confounded with Thomas Wentworth, Esq. the member for Oxford ; and that, so far from having commenced his career the avowed and ardent friend of liberty, and having been seduced from his principles and party by the tempting offers of the court, he set out with the ambition of place, under the favourites who were most obnoxious to popular resentment.

Wentworth was the man of largest family-inheritance in Yorkshire, and feared one rival only in the county—Sir John Savile. The nobility in that age kept much aloof from the commons, but Wentworth's property rendered him an exception : for, in 1611, while he was yet only eighteen years of age, still under a governor, and his father was alive, he married Lady Margaret, eldest daughter of Francis, Earl of Cumberland : He was knight-

ed in the same year; and, in 1613, returned member for Yorkshire. Lady Margaret died in 1622, and in February, 1625, he married another earl's daughter, Lady Arabella Hollis, daughter of the Earl of Clare *—a lady of uncommon beauty and accomplishments, but whose untimely death he is alleged to have occasioned by a blow upon the breast, when she was far advanced in pregnancy, because she, having accidentally lighted upon a letter from one of his mistresses, reproached him for his infidelity †. A man of Wentworth's family-influence and alliances, could not fail to be regarded as an accession to either party; and he possessed talents and prudence to avail himself of the advantages of fortune. In the very outset of life, he attached himself to ministers, and only observed a politic reserve to enhance his price, and testify his dissatisfaction at certain treatment which he received. So far back as 1617, he complained of ill usage. His rival Savile, who was far advanced in life, had held the office of *custos rotulorum*; but in consequence of some displeasure at court, the office was taken from him and bestowed on Wentworth. Savile, however, regained his Majesty's favour, and with it that office, to the great chagrin of his rival. Though greatly piqued at this, Wentworth still professed devotion to the court, and in 1620 strenuously exerted himself for the election of Sir George Cal-

* Sketch of his Life by Sir George Radcliffe.

† Baillie's Letters, Vol. I. p. 291.

vert, principal secretary of state, along with himself, to the exclusion of Savile. Nor do his communications to his ministerial friends bespeak his imputed patriotism*. But it was not to one minis-

* Letter to Sir George Calvert, Knt. principal Secretary of State, 5th December, 1620.

“ *May it please you, Sir,*

“ The Parliament writ is delivered to the Sheriff, and he by his faithful promise deeply engaged for you. I find the gentlemen of these parts generally ready to do you service. Sir Thomas Fairfax stirs not, but Sir John Savile, by his instruments exceeding busy, intimating to the common sort underhand, that yourself, being not resident in the county, cannot by law be chosen, and being his Majesty's secretary and a stranger, one not safe to be trusted by the country; but all this, according to his manner, so closely and cunningly, as if he had no part therein; neither doth he as yet further declare himself than only that he will be at York the day of the election, and thus finding he cannot work them from me, labours only to supplant you. I endeavour to meet with him as well as I may, and omit nothing that my poor understanding tells me may do you service. My Lord President hath writ to his freeholders on your behalf, and seeing he will be in town on the election day, *it were very good he would be pleased to shew himself in the Castle-yard, and that you write him a few lines taking notice you hear of some opposition, and therefore desire his presence might secure you of fair carriage in the choice. I have heard that when Lord Darcy opposed Sir Thomas Lake in a matter of like nature, the Lords of the Council writ to Sir Francis to desist. I know my Lord Chancellor is very sensible of you in this business; a word to him, and such a letter would make an end of all.* Sir, pardon me, I beseech you; for I protest I am in travel till all be sure for you, which emboldens me to propound these things to you, which notwithstanding I submit to your judgment. Sir, I wish a better occasion wherein to testify the dutiful and affectionate respects your favour and nobleness may justly require from me. In the mean space, pray the Almighty still to increase your honour and happiness, and so remain in the faith and perseverance of being your honour's humbly to be commanded.” Letters and dispatches, p. 10. In a letter to Sir Arthur Ingram, on the same subject, after stating in nearly the same language Savile's legal objection, &c. to Calvert—he says that

ter only that he attached himself: He assiduously laboured to gain the patronage of Buckingham, of Williams, of Middlesex, of Weston—with a sycophantish meanness, too, which would have been deemed irreconcilable with a temper haughty and overbearingly insolent as his, did we not know that unprincipled ambition controuls every other passion; and that men generally exact the undue homage that they pay*.

Savile tried to raise himself by popular language, as, “Whereas himself is their martyr, having suffered for them, the patron of the clothiers, of all others the fittest to be relied on.” Dec. 6, 1620, Vol. I. p. 11. By the way, we shall afterwards give some account of the powers exercised by the Presidents of the north, whose interposition Wentworth desired.—See Letter to Calvert, April 28, 1623. See other letters to him.

* Id. p. 16. In a letter to the Earl of Middlesex, then lord high-treasurer, he says, “My most honoured lord, whereas you have been pleased to continue by commission your trust upon me for this year’s receipt of his Majesty’s revenue in these parts, I must necessarily judge the same to proceed forth of the wonted good opinion your lordship hath been ever pleased, out of your nobleness, to retain and esteem me in; which, indeed, is no small comfort to me.”—He then humbly requests that the office might be given to Mr. Wetheridd, and says, “All which, notwithstanding, I humbly submit to your lordship’s more weighty judgment, as one ready to obey your commands in all things, and prepared chearfully to undergo any service you shall be pleased to impose upon me. Thus, my lord, with the true and constant acknowledgment of that duty and service wherein I must ever profess myself to be most justly bound unto you, I will conclude and humbly take leave, &c.” Middlesex was obnoxious to a haughty aristocracy for his sudden elevation. To have despised the prejudice would have been meritorious; but Wentworth was the proudest of the proud. He got a herald to fetch his pedigree from John of Gaunt. Howell’s Fam. Lett. p. 211. Straf. Let. and Disp. Let. to Wotton, Nov. 8, 1617; 8th April, 1620, p. 5 and 6. See also Letters in Biog. Brit. WENTWORTH. See Letter from Sir A. Ingram to Wentworth, Nov. 7, 1625. Let. to Sir Richard Weston, Chancellor of the Exchequer, p. 34, 35. Other letters about the beginning.

In parliament, he was so far from adopting the ardent language of the popular party, or yielding to the natural impetuosity of youth, that, in all great questions, he was cautiously reserved: Indeed, his rule of action is clearly developed by himself in the following words, which form part of a letter to his brother-in-law Lord Clifford, so early as January, 1624. "My opinion of these meetings" (parliaments) "your Lordship knows sufficiently, and the services done there coldly requited on all sides, and, which is worse, many times misconstrued. I judge, farther, the path we are like to walk in is now more narrow and slippery than formerly, *yet not so difficult but may be passed with circumspection, patience, and principally silence* *." The nature of his public life may be estimated, too, by its effects upon King James, who could neither esteem, nor countenance, a statesman who affected popularity by crossing his measures. "Calling to mind," says Wentworth, in a letter addressed to Sir Richard Weston, then Chancellor of the Exchequer, (May 19, 1627,) to induce him to mediate with the king for a return of favour, "Calling to mind the faithful service I had the honour to do his Majesty now with God, how graciously he vouchsafed to accept and express it openly and sundry times, I enjoy with myself much comfort and contentment." After imputing King Charles's indignation "to the malevolent interpretations and subtle insinua-

* Ibid. p. 19.

tions of his adversaries," and praying for an opportunity to vindicate himself, he says, "Thus have I presumed upon you farther than any particular interest of mine can warrant, out of a general belief in your wisdom and nobleness, the rather, too, because I conceive you can best witness the opinion, nay, I might say the esteem, his late Majesty held of me *."

During the first parliament of Charles, he was still uncommitted; nay, in the course of it, engaged to interpose his good offices with the popular party in the favourite's behalf, and performed what he had undertaken. But many circumstances awakened Buckingham's jealousy. Wentworth had just married a daughter of the Earl of Clare, and as that nobleman was offended at the court, and, with his son Denzil Hollis, keenly opposed it, the connection naturally led the son-in-law into the society of the popular party; and as he conceived his merits overlooked, he appears to have been willing, by a mysterious carriage, to let the duke know that he was not to be neglected. His great family-influence, his connections, supported by talents which, though they had not ac-

* Id. p. 34 and 5. See Radcliffe's Essay towards the Life of Strafford.

† The marriage took place on the 24th of February, 1624-5, and Parliament met on the 18th of June. See Biog. Brit. Art. HOLLIS, for an account of Lord Clare. He bought his titles. Though he disliked Buckingham, and opposed the Court, he was not fond of encountering the dangers of patriotism. See Letter to Wentworth. Straf. Let. and Disp. vol. i. p. 31.

quired for him the high character he afterwards earned in a different sphere, were even then respected, made him an object of too great importance to be despised by the favourite at the moment he dreaded an impeachment. "At the dissolved parliament in Oxford," says he in another letter of complaint to Weston, "you are privy how I was moved from, and in behalf of the Duke of Buckingham, with promise of his good esteem and favour; you are privy that my answer was, I did honour the duke's person; that I would be ready to serve him in the quality of an honest man and a gentleman; you are privy, how, during that sitting, I performed what I professed. The consequence of all this was, the making me sheriff the winter after*." Wentworth had been solicited at the same time, professedly at least, in favour of the duke, by Williams, then lord-keeper, who did not allow an opportunity of being busy to escape; and as the lord-keeper was himself suspected of plotting with the members of the opposition for his patron's ruin, it was artfully suggested, that Wentworth's moderation was a cover to a plot which he was promoting between Williams and the popular party—a suggestion which acquired confirmation by his intimacy with Archbishop Abbot, whom the favourite deeply feared. Hence the primate and the lord-keeper fell immediately under the royal indignation; and Wentworth, though measures were still kept with him, was, as he com-

* Letters and Dispatches, Vol. I. p. 34 and 35.

plains, pricked sheriff, that, by rendering him ineligible to the next parliament, his designs might be defeated *.

The unhappy expedient of pricking him sheriff, as it ranked him with such men as Coke, Philips, Seymour, and others, against whom the same measure was adopted, proved, in all probability, the cause of his future exaltation; for it bespoke an opinion of his talents, as well as of his principles, and thus introduced him to public notice as the persecuted advocate of popular rights. Even his friends, who still expected his rise as a courtier, congratulated him on the event. "For your being chosen," writes one, "my poor opinion is, that there did not any thing befall you in the whole course of your life, that is and will be more honour to you in the public, who speak most strangely of it †." The same individual adds a fact to soothe his correspondent under this mark of royal displeasure. "It was told me by two counsellors, that, in naming of you, the king said you were an honest gentleman, but not a tittle to any of the rest."

Though he felt the indignity, the king's favourable sentiments, with his correspondence at court, prevented him from despairing. As he ascribed

* Heylin's Life of Laud, p. 139. Hacket's Life of Williams, Part ii. p. 17. See p. 14. Strafford's Let. and Dis. Vol. I. p. 28. Sir Arthur Ingram's Letter, Nov. 7, 1625. The knowledge evinced by Williams, as to the motions of the adverse party, naturally inspired suspicion.

† Id. p. 29.

the ill treatment to the misrepresentations and subtle insinuations of his enemies, he endeavoured to recover his ground, both through the medium of Weston, and by a personal interview with Buckingham. The latter, at this interview, ascribed Wentworth's having been made sheriff, to mistake, which his grace, being then in Holland, had no opportunity of rectifying—contracted, as he was pleased to term it, a friendship with him, “all former mistakes laid asleep, forgotten,” and gave him “all the good words and good usage which could be expected; which,” says the latter, “bred in me a great deal of content and security*.” But the reconciliation was frustrated by his enemies, who, in spite of the exertions of Weston, infused fresh jealousy into the breast of the favourite, to which, probably, his intimate connection with Wandesford, might contribute; and he soon experienced another proof of it in being again deprived of the office of Custos Rotulorum, to which he had been a second time promoted. The mortification was enhanced by the triumph of his old enemy, Saville, who was restored to court-favour, made a privy-counsellor, &c. Even this did not determine him to proclaim himself a patriot. He still endeavoured to make up the breach at court; but, when he failed in his humiliating labours, and was deserted by the court-party in the country, now attached to Saville; while, from such proofs of royal displeasure, the popular party regarded

* Letters to Weston, p. 34. of Straff. Let. and Disp. vol. i.

him as fairly enlisted in their side, he had no alternative but either sink into insignificance with all parties in the country, or place himself at the head of the opposition. At this critical juncture, the loan was demanded, and he had but a choice of evils ;—either to forfeit his character in the country, or to incur the hazard of the royal resentment to such a degree as threatened to blast all his prospects from that quarter. His friends importuned him to comply ; his old rival exulted at the circumstance. “ It was supposed,” said Lord Haughton in a letter to him, “ this humour of committing had been spent, till that your antagonist did revive it ; who, I hear, brags he hath you in a toil or dilemma. If you refuse, you shall run the fortune of the other delinquents. If you come in at the last hour into the vineyard, he hopes it will lessen you in the country.” Reduced to this dilemma, and irritated by bad treatment, he preferred the maintenance of his present popularity to a chance of promotion at court, which, from past events, must necessarily have been faint *.

At the opening of the next parliament, therefore, he appeared in the character of a sufferer for supporting the legal rights of the people ; and the eloquent harangue which he then made—an harangue that breathed rather the language of the passions,

* Letters and Disp. Lord Clifford and Lord Baltimore to him, vol. ii. p. 36. 7. Lord Haughton to him, p. 37. Lord Clifford, p. 38. This lord advises him to slip the money into the commissioners' hands, and thus escape from the difficulty. Lord Baltimore, p. 39. See other Let.

than of logic, taught the court the propriety of securing him to itself; and, as he had never ceased to correspond with Weston, and his great friends interposed their good offices for him; while, though he had expressed himself in strong terms of the general measures of government, he neither offended individuals in that burst of indignation nor afterwards, there were few impediments to a cordial understanding. Having enlisted under the banners of the court, and been gratified with title and place, he not only supported immediately that train of measures which he had so unqualifiedly condemned, but bent all his resources to reduce arbitrary government both in church and state to a system.

“Savile of Yorkshire,” says Heylin, “a busy man in the house of commons,” (he does not appear to have been a man of any consequence there,) “but otherwise a politic and prudent person, the king had taken off at the end of the former parliament, by making him one of his privy-council, and preferring him to be comptroller of his household, in the place of Sir John Suckling, then deceased; and, at the end of the last session, had raised him to the honour of Lord Savile of Pontfract. Competitor with Savile in all his elections for the county, had been Sir Thomas Wentworth of Wentworth Wood-House, a man of most prodigious parts, which he had made use of at first in favour of the popular faction, and for refusing the loan had been long imprisoned. He looked on the preferment of Savile, his old adversary, with no small disdain,

taking himself to be, as indeed he was, as much above him in revenue, as in parts and power. To sweeten and demulce this man, Weston, then lord treasurer, used his best endeavours ; and, having gained him to the king, not only procured him to be one of his Majesty's privy-council, but to be made lord-president of the north, and advanced unto the title of Viscount Wentworth ; by which he overtopt the Saviles both in court and country. Being so gained unto the king, he became the most devout friend of the church, the greatest zealot for advancing the monarchical interest, and the ablest minister of state both for peace and war, that any of our former histories have afforded to us. He had not long frequented the council-table, when Laud and he, coming to a right understanding of one another, entered into a league of such inviolable friendship, that nothing but the inevitable stroke of death could separate them ; and, joining hearts and hands together, co-operated from thenceforth for advancing the honour of the church, and his Majesty's service *." This, as a characteristic

* Heylin's Life of Laud, p. 194. But it may be well doubted whether the friendship had not terminated in intrigues against each other, when a common calamity made them drop their animosities in sympathy with their mutual sufferings. The queen, whom Laud was so attached to, had taken great umbrage at Strafford, a little before his impeachment ; (Clar. vol. i. p. 126 ;) and Windbank, Laud's greatest confidant, and in fact creature, seems to have been engaged in a plot against Strafford, who now overtopt Laud, whom he had formerly courted. Lord St. Albans and Clanrichard, whom Strafford had deeply injured, writes to Windbank, grievously complaining, and uses these words : " When the parliament doth sit, the day will come shall pay for all."—Hardwicke's State Papers, vol. ii. p. 196. Letter dated 9th Oct. 1640. Now, that Lord would never have writ-

picture, we have presented. But it is in several respects incorrect. Wentworth, as we have shewn, had latterly become a patriot by compulsion; and, far from requiring to be demulced by Weston, solicited his patronage, as a mean of obtaining the royal favour. The panegyric upon his talents for peace and war, is also misplaced. He had no opportunity for displaying any ability in the last; and he cannot surely be deemed a great minister whose measures produce a convulsion. There remains, however, much truth in the picture; and it is undoubtedly not an amiable one. By the church is here meant, not the advancement of Christian piety, but of clerical power, which is ready to let loose a torrent of bloody persecution upon all who scruple at implicit obedience to her authority, in regard even to every ceremony prescribed in the worship of the Creator. The alliance between church and state was then fully understood; and Wentworth knew that not only did the royal favour depend on his promoting this object; but that the friendship of Laud, (whom, as enjoying the king's ear, he eagerly courted, by entering into all his views, quarrels, jealousies, and revenges, that he might secure that individual's interest to protect him in his present place, and recommend him to greater honours,) was unattainable on other conditions. So devoted to Laud was Wentworth, that to him this ecclesiastic breathed out his dis-

ten so, unless he had been confident of a friendly hearing; and as Windbank could not stand alone, or without Laud, I think the conclusion obvious.—See Wentworth's Letter to Con, Let, and Disp, vol. ii. p. 112.

appointment at being restrained even by Charles himself, in his schemes for going thorough, as he called it, in religious innovation; as well as his vexation at being restrained by the coldness of the other counsellors in projected cruelty. Wentworth's zeal for the Protestant faith, too, may be conceived from his correspondence with Signior Con, the pope's resident. But Wentworth had incurred such general odium, that his only hope of continued greatness, or even security, depended on his triumph over the laws of his country. He hated all popular men thenceforth, because he knew them to be irreconcilable enemies. The puritan party has been exposed to ridicule for their religion: yet the only defence that could be made for Wentworth was, that he was actuated by a zealous principle towards all the innovations in worship then attempted, and not by selfishness disguised under hypocritical cant. Which of the two then, ought, in this view, to be accounted most bigotted?

Haughty and reserved, his stern brows, generally clouded with a frown, warned people of their distance. Such a person could rarely be brought to the proof in conversation, since, in so far as the thing is practicable, it is only when one is driven from his generalities, from the topics on which he is particularly ready, that his intellectual powers can be fairly estimated. But the man we have described, provided his rank shed a lustre upon the reserved haughtiness of his manners, has many advantages in impressing the public mind with a

high opinion of his talents. His very appearance is imposing : for the mob, both poor and rich, pay homage where it is exacted, and are awed by what seems mysterious. As he speaks rarely, too, he is heard with reverence, familiarity being fatal to respect. Instead of discussing a subject started by others, and following it through their various views, he selects his own topic, and dismisses or resumes it at pleasure. He is neither exposed to the subtle reasoning of a disputant, nor liable to the imputation of having dropt his argument when he has exhausted his knowledge. As it is only when he is roused by the occasion that he overcomes his habitual reluctance to unbend, so, if he have fluency, he pours himself out with a fervour unattainable by those who dissipate their energy in common discourse. Hence, such a person, with talent a little beyond the ordinary level, may easily convert the awe inspired by his manner into admiration by his speech. But should he have uncontrolled power in the state, and possess the requisite qualities of stern inflexibility of purpose, where it suits his interest, and promptitude of decision, there is no limit to the admiration of mankind. Such I apprehend to have been Wentworth : as a speaker in parliament, he appears to have only once fairly tried his powers ; and his harangue then, though most calculated for effect in a person of his reserved manners, is merely remarkable for an energetical expression of feeling. Anterior to his great employment as a minister of the crown, he was possibly rated higher than any proof of mental

vigour exhibited by him as a statesman warranted; but his great character was subsequent to that event. Yet his measures are by no means indicative of supereminent wisdom or talent; and in his letters and dispatches, which are both tame and defective in the composition, we in vain look for traces of a superior mind. His intellectual powers were most signally displayed at his trial; and the ardent tone of his feelings in the peroration produced an astonishing effect; but, in other respects, his defence does not appear to have been remarkable. It ought ever to be remembered that he was then favoured with many of those circumstances which most powerfully excite the sympathy of an audience: the ladies, who had considerable influence in that respect, were charmed with his manner and person at the outset. Most of the cotemporary historians, too, had some interest of their own to gratify in their character of him.

Proud, irascible, and vindictive, he was impatient of contradiction, resented the slightest mark of disrespect, and was incapable of forgiveness. Some difference having occurred at the council-table between the Earl of Holland, and Weston Earl of Portland, Wentworth, in a fury, told Holland that "the king would do well to cut off his head;" and instead of apologising for so strange a speech as a sudden transport of passion, he aggravated the offence by future rudeness during several years. His revengeful disposition manifested itself on many occasions: Nor need we recount in the number his treatment of his rival Savile,

whom he soon stript of his office, and sent down to the country, a most abject disconsolate old man, to be still within the sphere of his rival's power. The cases of Lords Mountnorris and Loftus, which will fall to be stated afterwards, are admitted even by Lord Clarendon to have manifested a nature excessively imperious. In the first, though the sentence was not executed against that peer's life, he acted upon the arbitrary principle which he alleged ought to have been adopted against Lord Holland. "It was looked on," says the noble historian, "as a pure act of revenge, and gave all men warning, how they trusted themselves in the territories where he commanded." The case of Chancellor Lord Loftus was fraught with equal injustice, but was an act of less violence, because it concerned not life*. His persecution of Williams, whom he had once earnestly courted, savoured of the same spirit; and it was not without cause that the prelate refused to go to Ireland, as he should be there in the power of a man who, in a few months, would discover some old statute to cut off his head. In all these acts, the truth of the observation, that vindictive cruelty generally springs from fear, was fully evinced. He seized the critical moment of oppression, lest the objects of his malice should afterwards be in a condition to call him to a reckoning for injustice.

These evil qualities in Wentworth were, in some measure, compensated with kindness and benefi-

* Clarendon's Hist. vol. i. p. 150-1, 220-2.

cence to those who humbly acknowledged his superiority, and courted his favour. "In a word," says Clarendon, "the epitaph which Plutarch records that Sylla wrote for himself, may not be unfitly applied to him—'That no man did ever exceed him, either in doing good to his friends, or in doing mischief to his enemies;' for his acts of both kinds were notorious *."

Noy.

Wentworth had courted his fortune; but it was only through great importunity on the part of ministers that Noy could be prevailed upon to accept of place under the Crown. The reward of his apostacy from the cause of freedom was the place of attorney-general, the most lucrative then attainable by the profession. For this he was entirely indebted to the high character which he had acquired for legal research and talent: and as, unlike Wentworth, he had sinned unequivocally in opposing the royal pretensions, his place afforded as indisputable a proof of the estimation in which he was held, as it did of the profligacy of his principles. From the morosity of his temper, and the nature of his studies—such as the records of the Tower—which were remote from the common track even of his profession, his learning, great in reality, was overrated; people being kept at a distance by his manners, and venerating, according to custom, what they could not comprehend. His pride and moroseness, while they prevented him from flattering others, rendered him the dupe of

* Clarendon's Hist. vol. i. p. 260.

flattery himself. The unsociableness of his disposition precluded him from gaining that quick discernment of the human heart which enables one to appreciate discourse, and imposed silence upon the generality of those who are readiest to recommend themselves by servile means. Hence men of exalted rank and consummate address, overpowered him by extolling his learning and legal knowledge, and thus, as he wanted principle, easily converted him into an instrument of their designs: "He, thinking," to borrow the words of Clarendon, "that he could not give a clearer testimony that his knowledge in the law was greater than all other men's, than by making that law which all other men believed not to be so*."

Lord-treasurer Weston, afterwards Earl of Port-<sup>Weston,
earl of Port-
land.</sup>land, was of an ancient family, and had, according to the fashion of the times, begun his career as a courtier, with the same views that actuate mankind in the choice of a business or profession. To enable him to run his hopeful course, his friends, who expected to share his fortune, supported him both with their purse and credit. But he remained long at court unnoticed, till, having attached himself to some of the favourites there, he at last procured employment, and ascended by degrees to the high office which he now filled. In this situation he had given such small satisfaction to the duke, that it was supposed the death of that personage only saved him from a fall. This accounts

* Clarendon's Hist. vol. i. p. 73.

for his eagerness to strengthen himself by new alliances—as with Wentworth; and unless we suppose that Wentworth would have deserted and persecuted him as he did Williams, whom he had formerly addressed himself to, we must conclude that the alliance would have proved favourable to him, even in the duke's esteem.

Notwithstanding the declared poverty of the Crown, Weston received the most profuse marks of the royal bounty, both in money and land. But as his rapacity, though extreme, was equalled by his extravagance, little of it descended to his posterity; and neither power nor emolument brought enjoyment to himself; it being his misfortune, by an unquenchable thirst for the enlargement of both, to lose all satisfaction in what he had. His temper prompted him to testify his courage in giving offence to people of credit at court; but, when he had vented his spleen, his native pusillanimity overcame him with womanish terror for the consequences. He, therefore, latterly acquired the character of a man of big looks, and of a mean and abject spirit. No sense of honour restrained his conduct; and the public hatred towards him was augmented by his religion. Though he professed protestantism, he was a suspected papist, and died one. His wife and domestics were all professed Catholics*.

With a sketch of these characters we shall at present content ourselves; for others, though they

* Clarendon, vol. i. p. 47, *et seq.* Rush. vol. ii. p. 283.

acted an equally guilty, were prevented by their situation from so conspicuous a part. We therefore return to a relation of events.

Though the duke's secret feelings had occasioned the wars with Spain and France, he was himself latterly inclined to peace; and the new counsels led to an immediate termination of hostilities. Laud's high-church principles, which involved his own views of personal aggrandizement, produced in him a rankling animosity against the foreign Protestants, whose doctrine approached to that of the puritan or moderate party, (for the word puritan was now of most comprehensive signification in the court vocabulary,) while the practice as well as the principles of the Romish sect accorded with his own notions of ecclesiastical government. Wentworth again saw, as did in all probability his grand coadjutor Laud, that their only hope of advancing the cause in which they had embarked—a cause that implied their own preferment, and even continuance in places of power and emolument, nay, their very personal security from after-impeachment, arose from the attainment and maintenance of peace. Without some legitimate organ for the expression of the public will, popular resistance to the encroachments of power was not apprehended: Disunited, destitute of concert, the first symptom of commotion might be quelled; but, did the necessities of the Crown imperiously demand a parliament, they brought with them an authority to that assembly which must enforce a change of measures, while the policy which had been pursued by the execu-

Peace with
France and
Spain, 1629
and 1630.

tive, would stimulate them both to demand a sacrifice of ministers, and to make new provisions against the recurrence of similar evils. Charles was, therefore, advised to conclude a peace with both states, and confine his attention to the attainment of an inglorious triumph over the privileges of his subjects. The accomplishment of his pacific wishes found no obstacle in the courts of France and Spain, nor was it reasonable that it should, since, after a waste of lives and treasure, the avowed objects for hostilities on his part were abandoned. No provision was made for the restitution of the Palatinate, and the wretched Huguenots, who had been drawn into the war by his assurances of support, were never considered in the treaty, but left to the mercy of the arbitrary government they had been seduced to provoke—thus justifying the sarcastic remark of Dr. Leighton, “That all that pass by us spoil us, and that we spoil all that rely upon us*.”

Splendid career of Gustavus Adolphus, and death.

Though peace was concluded with the House of Austria, Charles still wished to afford some feeble support to his brother-in-law for the recovery of the Palatinate; and surely never did a more favourable juncture occur. The famed Gustavus Adolphus of Sweden, after many urgent solicitations which he long withstood, had at last undertaken the cause of the distressed German Protestants; and as he distinguished himself by a career of unparalleled success, the cordial co-operation of

Clarendon's Hist. vol. i. p. 66. Rush. vol. ii. p. 23, 75, *et seq.*
See p. 55, for Leighton's remark. See Hist. Pref. to Carleton's Let.

England might have soon brought the struggle to a happy period.

Landing in Pomerania, Gustavus soon put himself at the head of a considerable army, and beating the Imperialists in every engagement, threatened to wrest from them their unjust acquisitions. Instead of joining the Swede, Charles concluded a peace; but, though the treaty forbade him openly to assist the palatine, he resolved to render him a small support, and therefore levied six thousand men, whom he sent under the command, and in the name of, the Marquis Hamilton, to join Gustavus. This small army, however, mouldered away, and the Swede, who, with success, forgot his moderation, began to impose conditions which even the palsgrave, sunk as he was, rejected with disdain. Had the English monarch acted with spirit, this never could have happened any more than the failure of the expedition itself with the hero who planned it. After great success, Gustavus began to experience a partial reverse of fortune from the abilities of Wellestein, the general to whom the emperor had been indebted for all his victories. This great captain had, from a suspicion of his entertaining dark designs of self-aggrandizement, been discarded with ignominy when his services were deemed no longer requisite for the schemes of his employer. But, on a reverse of fortune, the veteran had been again summoned to the command; and as he took the field with a superior army, the scale began to turn against the Swede. Yet at the battle of Lutzen, where he fell, his soldiers, fired with

Nov. 6,
1632.

fury at his death, gained a complete victory*. But it was useless to the cause : deprived of their leader, they could no longer maintain the contest, and matters reverted to their former position. Thus was the palsgrave's last hope extinguished, but with it also terminated his sufferings, for he died that year, as some allege, of a broken heart. Wellestein's late success having augmented the jealousy of his influence with the soldiery, overwhelmed him. He was assassinated by some Scots and Irish in the emperor's service†.

Some of these events were posterior to those which we shall yet have occasion to relate. But it may, in this place, not be improper to continue a concise view of foreign affairs, that the attention may not afterwards be unnecessarily withdrawn from domestic occurrences. The two houses of Austria and Bourbon entertained an increasing jealousy of each other, and solicited the assistance of England by turns. The neutrality preserved by Charles, who is said to have held the balance of Europe in his own hands, has been admired as politic ; but no such motive actuated him. There were two parties in the cabinet in regard to foreign affairs—one attached to France, the other to Spain ; and Wentworth and Laud balanced them for the maintenance of peace. It was hoped that,

* Rush. vol. ii. p. 36, *et seq.* 53, 59, 60, 107—9, 166—168, 181, 182. Harte's Gust. Adolph. vol. i. p. 209, *et seq.* and vol. ii. particularly p. 318, *et seq.* Howell's Fam. Let. p. 212, 13, 229—231. Frank. p. 372, *et seq.*

† Harte's Gust. Adolph. vol. i. p. 181, 190, 122, 212, 351, *et seq.* vol. ii. p. 41, *et seq.* Straf. Let. and Disp. vol. i. p. 215.

during peace, the people might, by degrees, be inured to illegal impositions, till the practice had subdued the remembrance of their rights, and the power of the crown had been confirmed; when his majesty might safely engage in continental contests. On the other hand, it was evident that the pecuniary difficulties arising out of a sudden war, must lead to a parliament, when its authority would be almost irresistible. It is remarkable that Wentworth predicted his own fate in that event. Terror, therefore, augmented his anxiety for the overthrow of public liberty, as he clearly foresaw that if he did not destroy it, it would destroy him. Thus was he goaded on by his personal fears to pursue measures which terminated in his ruin *.

A singular proof of the real motives which actuated the royal councils, is afforded by a secret league which was entered into with Spain against the Dutch. The object was to reduce that flourishing republic to its old subjection to the house of Austria, that it might no longer be an example of successful revolt from the kingly authority †. But surely that policy never can deserve the name of liberal, which would allow the smaller states to be swallowed up by the greater, and general freedom to be proscribed. Nor are our ideas either

Secret treaty
with Spain
against the
independ-
ence of
Holland,
31st Jan.
1631.

* Sidney, State Papers, vol. ii. p. 374, *et seq.* and particularly p. 618, 621. Clarendon, State Papers, MS. Bod. Lib. vol. iv. See the Clar. printed State Papers, vol. i. and ii. Straf. Lett. and Disp. vol. ii. p. 52, *et seq.* p. 60, *et seq.* p. 66, 7.

† Clar. State Papers, vol. i. p. 49, *et seq.* vol. ii. App. 32. Introd. to Carleton's Letters.

of the policy or justice of the measure, affected by the consideration that a part of the territory was to be ceded to the English king, as a recompense for his assistance. Indeed, we cannot refrain from remarking, that, from the manner in which the balance of power has been talked of in this case, one would imagine that the welfare of mankind was light in comparison of it—though the only principle upon which it is entitled to veneration is, that it is calculated to insure internal happiness. If a people be enslaved, it matters not whether the evil proceeds from a foreign or a domestic source: Nay, if left to their choice, the people would probably prefer the former, since there would be a better chance of deliverance from the evil. The great body are generally enslaved by the united interests of the monarch and particular classes; but all ranks would feel it to be their interest to unite against foreign invaders, and, if endued with any spirit, must ultimately redeem their country. The truth is, that the balance of power, though not only fully understood by the ancients*—witness their various leagues—but even by the American Indians, was in the last century thought a modern discovery, and philosophers gave it an undue place in the scale.

Arbitrary
taxes and
proceedings.

Having thus succinctly presented a sketch of foreign transactions, we now return to a detail of

* Surely the various authors who have taken up the idea of the balance of power being a modern discovery in politics, had never attended to Grecian history. What was the meaning of all the leagues of Greece? What the cause of the Peloponnesian war? What the grand object of Demosthenes in raising up confederacies against Philip?

the various measures pursued by the executive against the franchises of England. The duties of tonnage and poundage, which Charles had declared that he never meant to take but as a gift from his people, were rigorously extorted, with other duties imposed originally at the mere will of the late or the present king. Warrants were issued by the council to seize the goods of all who attempted to land them without authority, and detain them till the customs were paid: and orders were at the same time dispatched, to imprison all who attempted to recover their property by replevin. Other illegal orders were likewise issued: and that terror might be struck into the refractory, the vengeance of the council was let loose, immediately after the dissolution of parliament, against an alderman, and an eminent merchant of London—Richard Chambers—who courageously appealed to the public justice of his country. Chambers had, for resisting payment of the duties, been summoned before the council, and because he remarked there, that “the merchants of England were as much screwed up as in Turkey,” he was tried, (if a trial that might be called, where the council that took the offence had only changed rooms,) before the Star-chamber, and fined L.2000, and doomed to imprisonment till he made a submission, both at the council-board, in the Star-chamber, and at the Royal Exchange. He refused to degrade himself by a submission, as well as to render himself an instrument for overturning the vital principles of the constitution, and therefore he lay upwards of twelve years in prison,—denied all legal redress.

Case of
Chambers.

and was utterly ruined in his circumstances. To the disgrace of parliament afterwards, his sufferings in the common cause were not rewarded*.

Perceiving that their trade was deeply injured by these illegal measures, the merchants attempted to send their goods beyond seas; but the council that devised these proceedings was too vigilant to prevent their evasion:—The goods were secured, and orders were issued to search warehouses, &c. to prevent what was denominated a fraud upon his majesty's revenue†.

Monopolies
and illegal
proclama-
tions.

Other plans were devised to augment the revenue, and break the spirit of the people. A tax was imposed for the support of muster-masters of the militia, and afterwards coat and conduct money was exacted, while soldiers were billeted as formerly. But the most crying grievance was the revival of monopolies to the most appalling extent. What had occurred in the reign of Elizabeth on this head has already been fully shewn: In the reign of James, a statute, which merely confirmed the common law, was passed, by which the right of granting monopolies was allowed only in the case of those who had made new discoveries. So equitable a restriction appears at first sight not to be liable to abuse: but when men, armed with power, are determined to violate law, the wisest provisions serve only as a cover to their arbitrary measures. Under the pretext that certain individuals had made discoveries in the manufacture of soap, and that the dealers in general imposed a bad

* Rush. vol. i. p. 670, *et seq.* ii. p. 9.

† Ibid.

article upon the people, these individuals were erected into a corporation, and the right of the manufacture and sale of the commodity exclusively vested in them. The patentees, in the first place, paid L.10,000 for their patent: But this was nothing like the main advantage derived by the crown: A tax of eight pounds per ton was imposed upon the sale. As might be supposed, the public were so far from being supplied with a better article—the pretext for the patent—that the commodity was so adulterated as to ruin their clothes. This, however, is a mere specimen of this species of grievance: Almost every article of ordinary consumption, whether of manufacture or not, was exposed to a similar abuse. Salt, starch, coals, iron, wine, pens, cards and dice, beavers, felts, bone-lace, &c. meat dressed in taverns, tobacco, wine-casks, brewing and distilling, lamprons, weighing of hay and straw in London and Westminster, guaging of red herrings, butter-casks, kelp and sea-weed, linen-cloth, rags, hops, buttons, hats, gutstring, spectacles, combs, tobacco-pipes, &c. salt-petre, (one Hillyard was fined L.5000 for selling this article contrary to proclamation,) gun-powder, in short, articles down to the sole gathering of rags, were all under the fetters of monopolies, and consequently deeply taxed. Nay, it was even in agitation to impose a tax upon grain under the colour of law. The device was this. There was a statute of 8 Henry VIII. for regulating the prices of provisions, and it was intended first to draw grain under its operation, and then to grant licences of dispensations

Hillyard's
case.

at a certain rate. The royal order was transmitted by attorney-general Noy to the judges for their sanction; but, except Sir Robert Berkley, they all pronounced it illegal. People were not even allowed a quiet interment without a tax: a method was invented to assess all funerals according to the quality of the deceased.

Then the most grievous commissions were granted to enforce these illegal patents and proclamations:—Such as a commission touching cottages and inmates, depopulations, &c.—another about scriveners,—one for compounding with offenders for transporting butter, another for compounding with those who used or imported log-wood—one to compound with sheriffs, and such as had been sheriffs, for selling under-sheriffs' places; another for compounding for the destruction of wood in iron-works; another for concealments, and encroachments within twenty miles of London, &c. &c.*

The tax upon the community, in consequence, was infinitely beyond what came into the exchequer. Thus the king received L.38,000 annually for the monopoly of wine; but then the vintners paid 40s. per ton to the patentees, which, upon 45,000 tons, raised the tax to L.90,000. The vintners, again, imposed 2d. per quart, which raised it to L.8 per ton, or L.360,000—that is, twelve times what came into the exchequer †.

* Rush. vol. iii. p. 915, *et seq.* Old Parl. Hist. vol. ix. p. 62, *et seq.* Cob. vol. ii. p. 640, *et seq.* See proclamations in Rush. vol. ii. iii. See as to Corn, vol. ii. p. 149. Hillyard's case, Ap. to vol. iii. p. 68. Clarendon's Life by himself, p. 37, 73. May's Hist. p. 16, *et seq.* Straf. Let. and Disp. vol. i. p. 176, 507. vol. ii. p. 55, 72, 181.

† Parl. Hist. *ibid.*

These were still only part of the devices for ex-
 torting money from the subject. Under the gene-
 rous pretext of curing defects in titles of land, a
 proclamation was issued, proposing to grant new
 titles upon the payment of a reasonable composi-
 tion, and those who declined to avail themselves
 of his majesty's gracious offer were threatened with
 the loss of their property. This at once sapped the
 security of land-owners; for no man could miscon-
 ceive the object, and the government-agents soon
 brought home conviction to their breasts. Every
 pretended flaw was fastened on, and the courts—
 miscalled—of justice were too obsequious not to
 sustain the objection. Their patents were now
 changed, to keep them in the most deplorable de-
 pendence: For the old clause in every judge's
 patent, *quamdiu se bene gesserit*, was changed into
durante bene placito, and indeed the benefit of the
 first clause was denied to one who had got his pa-
 tent before the change—because he was too up-
 right for the designs in hand*.

Pretext of
 remedying
 defective ti-
 tles of land.

Change in
 the judges'
 patents.

Had this misguided prince even confined him-
 self to the illegal and wicked device of extorting
 money from the subject, his conduct would have
 been less exposed to censure in civil matters than
 it necessarily was: But his arbitrary and capri-
 cious system of government reached departments
 where he seems to have intruded for the purpose
 only of proving the plenitude of his power. The
 hackney-coaches in London offended his eye, and
 therefore he imposed severe regulations upon them,

* May's Hist. p. 17. Hut. Mem. vol. i. p. 132. Whitelocke, p. 16.
 tells us that a judge was deprived of his seat, in spite of his patent,
quamdiu se bene gesserit.

and restricted their number. Men of ordinary trades kept shops in Goldmaker-Row, and afterwards in different quarters, which he took under his protection; and as these appeared to him not exactly to harmonize with his ideas of beauty, he commanded them to be instantly removed. Several shops too were pulled down, because they appeared to detract from the beauty of St. Paul's*. The increase of the metropolis by new buildings had, as an evil, been formerly a fruitful theme of declamation, and a statute for a limited time had been passed, in the reign of Elizabeth, to prohibit them; but the act had expired before the termination of her reign, and the progress of society had convinced men of its impolicy. James, however, had, by the connivance of corrupt judges, obtained the execution of this expired law, and Charles now rigorously enforced it. A commission was instituted for compounding with delinquents, or ordering their houses to be pulled down. The rate of the licence was a fine of three years' rent, with an addition to keep them from fining thereafter. It was calculated that much above L.100,000 of rents in the city of London were in this situation. Even former licences were disregarded†.

Proceedings
in the Star-
chamber a-
gainst those
who resided
in London
contrary to
proclama-
tion.

The late king had had sufficient sagacity to perceive, that though he was enabled to gain a large portion of the nobility by gifts, pensions, and pla-

* Rush. vol. ii. p. 28. iii. 411, *et seq.* What will the reader think of a proclamation prohibiting the use of snaffles, and commanding that of bits? vol. ii. p. 42. 3d Inst. p. 204.

† Straf. Lett. and Disp. vol. i. p. 206, 243, vol. ii. p. 150. This friend of Wentworth's says, "He speaks *much within compass*,"

ces, yet that, as it was not in his power to command the great body of the aristocracy, their residence in town encouraged liberal principles, and he had ever evinced anxiety to drive them to the country. His son, who had a nearer cause of alarm, was not satisfied with persuasion: He issued a proclamation, enjoining their residence in the country, and followed it with rigorous proceedings in the Star-chamber*. The language of Mr. Hume on this subject is so singular, that we cannot forbear quoting it. "For disobedience to this edict, many were indicted in the Star-chamber. This occasioned discontents, and the sentences were complained of as illegal. But, if proclamations had authority, *of which nobody pretended to doubt*, must they not be put in execution? In no instance, I must confess, does it more evidently appear what confused and uncertain ideas were, during that age, entertained concerning the English constitution!" This is an admirable specimen of the historian's defence of the Stuart family. Whenever he has occasion to relate instances of the most arbitrary kind, he accompanies them with a remark, either that they had been practised by the predecessors of that family, or sprang necessarily from powers which nobody pretended to doubt of being vested in the crown—while he does not adduce a shadow of authority for his statement.

when he says L.100,000, and from his enumeration of streets, &c. it is obvious. In the case of Moor, a writ went out from the Star-chamber to the Sheriff, to pull down his houses, and fine him L.2000 for not having pulled them down by Easter. Rush. vol. ii. p. 144.

* Ib. and p. 289. MS. Lamb. Lib. No. 943. fol. 221. Straf. Let. and Disp. vol. ii. p. 142.

In this instance, we will venture to say that his assertion is contrary to every thing which deserves the name of authority—that, though Laud and his brethren, with Wentworth, and his coadjutors of the laity, maintained that the royal power, lent this prince from God, was unlimited, and consequently that he might issue and enforce what proclamations he pleased, there was scarcely another man in the kingdom who could support such monstrous doctrine. It is true that proclamations had, and still have, authority, but the nature of that authority is best explained in the words of Sir Edward Coke. “Note, proclamations have great force, when they are grounded upon the laws of the realm.” On this subject we shall just refer the reader to what we have advanced under this head in the Second Chapter of the Introduction—with this only remark, That Mr. Hume has declared the granting of the petition of right to be almost equivalent to a revolution, and yet that the assumption of such a power is not only contrary to every principle of that statute, but to the very first notion of a limited monarchy.

Knight-
hood.

Knight-money was another species of extortion. By the feudal system, every person possessed of a knight's fee, or land of a certain yearly value, was bound, under a fine, to receive the honour of knighthood, which was chargeable with large fees, that he might be enrolled a soldier in defence of the realm. With the revolution in the state of society, this practice had fallen into desuetude. Elizabeth had only resorted to it once, and that

in the first of her reign * ; and there is reason to conclude, from the silence with which it passed, that it was restricted to men of considerable rank. But now it was resorted to by Charles as a mean of raising money ; and as the honour was lost by the promiscuous manner in which it was insisted on, men looked only to the extortion practised under that pretext. An annual rent of L.20 was in ancient times a good income ; but, by the depreciation of money, it became inconsiderable, and the rate had long been L.40. Charles did not restrict it to men of landed property, but included lessees, merchants, &c. and a fine was imposed for contumacy. The rate at which it was levied, was equal to three subsidies and a half.

Commissions were issued to compound with the parties, and they who had a just excuse were ordered to appear at the council-board, when they were detained from day to day without a hearing, and even the justest defence was overruled, and large fines imposed : Sir James Maleverer was denied a legal hearing, and ordered to compound with commissioners, who fined him L.2000, not for an absolute refusal, but for an alleged contumacy in the payment. Sir Thomas Moyser and others were utterly undone by similar proceedings †.

* Rymer, tom. xv. p. 493, 504. The commission applies to all of £40, annual rent ; but I presume, from its never having been repeated, that it was not rigorously acted on : and the higher classes, from having shared so deeply in the crown-lands, would not grudge it. Besides, money had fallen so much in value, that such an annual rent in the first of Elizabeth's reign, was great in comparison of the same sum in Charles's. These were not authorized to use the title of knights. See Id. p. 497, for a commission to create such as were. 2d Inst. St. de Mill.

† Rush. vol. ii. p. 70-1, 135, 725. vol. iii. 1134. Mr. Hide's Speech,

Proceedings
upon pre-
tended fo-
rest laws.

Under the pretext of obsolete forest laws, the property of the subject was extorted, and his person exposed to punishment. The forest of Rockingham was arbitrarily enlarged from six miles to sixty, and the following fines were imposed for alleged encroachments. The Earl of Salisbury was fined L.20,000, for an alleged fault of his father; the Earl of Westmoreland, L.19,000; Lord Newport, L.3000; Sir Christopher Hatton, L.12,000; Sir Lewis Watson, L.4000, and many others of smaller sums*. In Essex, the forests were enlarged over lands which had been possessed without interruption for three or four hundred years. The object of that, says Clarendon, was "to recompense the damage sustained by the sale of the old lands, and by the grant of new pensions; and not only great fines were imposed, but great annual rents intended, and like to be settled by contract." The selfishness of Charles discovered itself particularly in a projected forest for deer, (he was, like his father, immoderately addicted to field sports,) to extend from Richmond to Hampton-Court. He meant to enclose this with a brick wall; and he actually proceeded to execute his plan, not only without consulting the proprietors, who, by his fiat, were to be excluded from their rights, but without regard to a general clamour, and the general dissuasion of the council. Lord

p. 1353. In his History, vol. i. p. 67, Clarendon says, that knight-hood "had a foundation of right, yet in the circumstances of proceeding was very grievous." This is candid: but compare it with Mr. Hume's remarks. Cob. Parl. Hist. vol. ii. p. 548.

* Straff. Let. and Disp. vol. ii. p. 117. Cobb. Parl. Hist. vol. ii. p. 642. May, p. 16.

Clarendon *, indeed, tells us, that his majesty intended to pay more than their value, and that he thought it no unreasonable thing, upon these terms, to expect the consent of his subjects; but there does not appear to be any foundation for this, and it is evident that, upon the same principle that he could take the lands at his own price, without the consent of the owner, he might seize upon them for nothing. Other proceedings with regard to the forests, evinced what security there was even for a price. On this subject we must remark, that Charles shewed by such profusion, (for the expense must have been immense,) that, while he constantly complained of the parsimony of parliament, he was disposed to set no bounds to his extravagance.—The proceedings on this head were as impolitic as unjust. He ought to have known that he could never stand without the support of some classes in the community besides the clergy; yet, while he had alienated the lower ranks, he, by these measures, disgusted likewise the higher. “This burthen,” says Clarendon, “lighted most upon people of quality and honour, who thought themselves above ordinary oppression, and were like to remember it with more sharpness †.”

The statutes about tillage and keeping up houses of husbandry, had either expired, having been temporary enactments, or had been repealed by St. 21 J. I. c. 28. Yet under the pretext that depopulation was an offence at common law, the ri-

* Vol. i. p. 101, *et seq.*

† Clar. Hist. vol. i. p. 16.

gour of the expired or repealed statutes was enforced in the most unjustifiable manner, for the purposes of extortion and oppression. Many were severely fined as depopulators, where no depopulation had taken place, Sir Ant. Roper of L.4000*, besides being imprisoned, &c. that the example might terrify others to submit to extortion; and dispensations were granted for money.—But even subsisting law was converted into an engine of oppression. The following passage is taken from a private letter to Wentworth by one of his greatest admirers. “There is at present a commission in execution against cottagers, who have not four acres of ground laid to their houses, upon a statute made in the 31st Eliz. which vexeth the poor people mightily, is far more burthensome to them than ship-monies, all for the benefit of the Lord Morton, and the secretary of Scotland, the Lord Stirling. Much crying out there is against it, especially because mean, needy, and men of no fame, prisoners in the Fleet, are used as principal commissioners to call the people before them, to fine, and to compound with them †.”

We shall afterwards have occasion to speak more particularly of ship-money; but at present we may observe, in the words of Clarendon, that it was intended “for a spring and magazine that should have no bottom, and for an everlasting supply of all occasions ‡”.

* Rush. vol. ii. p. 270. Vol. iii. Ap. p. 106, *et seq.* Cobb. Parl. Hist. vol. ii. p. 642. MS. Lamb. Lib. No. 943.

† Straff. Let. and Disp. vol. ii. p. 117.

‡ Hist. vol. i. p. 68.

The civil government, in other respects, corresponded with these unjust and arbitrary proceedings. The jurisdiction and powers of the courts of Star-chamber and High Commission were enlarged to a most extraordinary degree; and, while the last vexed all men, every species of cause was brought under the cognizance of the first. New illegal oaths were enforced, and new courts, with vast powers, erected without colour of law; and when commissions were issued for examining into the extent of fees which were complained of, the commissioners compounded with the delinquents, not only for their past offences, but their future extortions. But indeed it is vain to talk of irregular courts, when, by new-modelling the patents of the judges, &c. the ordinary tribunals were brought completely under the command of the throne. Charles himself, in his annotations to Laud's annual accounts of his province, talks of commanding his judges to act in such and such ways, though contrary to law; as if his *fiat* were at all times sufficient. The orders of the council-board were received as law. Finch, who, for his conduct in the late parliament, was promoted to the office of lord-keeper of the great seal, declared, "that while he was keeper, no man should be so saucy as to dispute orders of the council-board; but that the wisdom of that board should be always ground enough for him to make a decree in chancery." The noble historian from whom we have borrowed these words, gives the following picture of the government. "For the better sup-

The jurisdiction of arbitrary courts enlarged, and new courts raised.

port of these extraordinary ways, and to protect the agents and instruments who must be employed in them, and to discountenance and suppress all bold inquiries and opposers, the council-table and Star-chamber enlarged their jurisdiction to a vast extent, holding (as Thucydides said of the Athenians) for honourable that which pleased, and for just that which profited ; and, being the same persons in several rooms, grew both courts of law to determine right, and courts of revenue to bring money into the treasury ; the council-table, by proclamations, enjoining the people what was not enjoined by the law ; and the Star-chamber censuring the breach and disobedience to those proclamations, by very great fines and imprisonment, so that disrespect to any acts of state, or to the persons of statesmen, was at no time more penal ; and those foundations of right, by which men valued their security, to the apprehension and understanding of wise men, never more in danger to be destroyed *.” The Earl-marshal’s court, Clarendon, then Mr. Hyde, declared in parliament to be “a court newly erected, without colour or shadow of law, which took upon it to fine and imprison the king’s subjects, and to give great damages for matters which the law gave no damages for ;” and, in his character of historian, he tells us, that “more damages had been given there for contumelious and reproachful words, of which the law took no notice, in two days, than had been given

* Hist. vol. i. p. 68, 69.

by all the juries in all the courts of Westminster-hall in the whole term, and the days for trial after it was ended ;” that “ he got a committee named, of which himself sat in the chair, and found, that the first precedent they had in all their records for that form of proceeding which they had used, and for giving of damages for words, was but in the year 1633*.” This is the language of a minister who followed Charles in all his fortune ; and received encouragement from that monarch to write his history.

If the proceedings recorded above were capable of aggravation, they received it in the part which papists were permitted to act in regard to them. These, while they who adhered to the doctrine established by law were persecuted, were not only encouraged but protected, as the chief promoters of illegal courses. “ They grew,” says Clarendon, “ not only secret contrivers, but public professed promoters of, and ministers in, the most grievous projects, as that of soap, formed, framed, and executed by almost a corporation of that religion, which, under that licence and notion, might be, and were suspected to be, qualified for other

* Life, p. 37, 72, 39, 76. The Marshal's Court “ for them which were not of the king's household,” was first erected 13th February, 22 Ja., and renewed with greater powers, 6 Car. A writ of error was brought into the King's Bench against a judgment of that court, and Charles wrote an expostulatory letter to the judges. Rush. vol. ii. p. 104. See Hacket, part ii. p. 71. Mr. Hume ought not to have overlooked this in speaking of the Marshal's Court.

agitations *.” No wonder that Catholics were hated.

Council of
York.

Miserable as was this state of justice, if such it could be called, a portion of the people only enjoyed it. The council of York, under whose jurisdiction the northern states were governed, swallowed up all the regular tribunals, and dispensed with even the semblance of law. But the effrontery of men embarked in a bad cause, ever furnishes them with a pretext for their misdeeds. Strafford excused his usurpation, as president of the north, by alleging that “it was a chaste ambition, if rightly placed, to have as much power as may be, that there may be power to do the more good for the place where a man serves †.” The council of

* Hist. vol. i. p. 148. Laud was very busy in that affair. See his Diary for 1635.

† Rush. vol. ii. p. 161. Mr. Justice Vernon discharged his duty when going the circuit, by interfering with the Court of York.—Wentworth writes from Ireland to have him “convened at the council-board,—charged with his misdemeanours,—be prevented for ever travelling that circuit again:”—“And indeed,” says he, in this letter to Lord Cottington, “I do most earnestly beseech his majesty by you, that we may be troubled no more with such a peevish, indiscreet piece of flesh. I confess I disdain to see gownmen in this sort hang their noses over the flowers of the crown, blow and snuffle upon them, till they take both scent and beauty off them; or to have them put such a prejudice over all other sorts of men, as if none were able or worthy to be entrusted with honour and administration of justice but themselves.” Let. and Disp. vol. i. p. 130. Let. dated 22d Oct. 1633.—This complaint against the lawyers for cramping the prerogative, is often repeated. Wentworth applied for arbitrary power in Ireland, in these terms:—“I find that my Lord Falkland was restrained by proclamation not to meddle in any cause betwixt party and party, which certainly did lessen his power extremely. I know very well the common lawyers will be passionately against it, who are wont to

York owed its origin to the rebellions, of which there were no fewer than six in four years, headed by persons of eminence, which followed the sup-

put such a prejudice upon all other professions, as if none were to be trusted, or capable to administer justice but themselves. *Yet how well this suits with monarchy, when they monopolize all to be governed by their year-books, you in England have a costly experience; and I am sure his majesty's absolute power is not weaker in this kingdom, where hitherto the deputy and council-board have had a stroke with them.*—A special power was granted to him. Id. p. 201.

“I am very glad,” says Laud in a letter to Wentworth, “to read, your Lordship's so resolute, and more to hear you affirm that the footing of them that go thorough our master's service is not now upon fee, as it hath been. But you are withal upon so many ifs, that, by their help, you may preserve any man upon the ice, be he never so slippery. And first, if the common lawyers may be contained within their ancient and sober bounds; if the word *thorough* be not left out, as I am certain it is; if we grow not faint; if we ourselves be not in fault; if it not come to *peccatum ex te Israel*; if the others will do their parts as thoroughly as you promise for yourself, and justly conceive of me,” &c. Let. 15. Nov. 1633. Id. p. 155.

“For the ifs your Lordship is pleased to impute to me,” returns Wentworth, “you shall hereafter have more positive doctrine. I know no reason, then, but you may as well rule the common lawyers in England, as I, poor beagle, do here; and yet that I do, and will do, in all that concerns my master's service, UPON THE PERIL OF MY HEAD. I am confident that the king, being pleased to set himself in this business, is able, by his wisdom and ministers, to carry any just and honourable action thorough all imaginary opposition, *for real there can be none*; that to start aside for such panick fears, phantastic apparitions as a Prynne or an Elliott shall set up, were the greatest folly in the whole world; that the debts of the crown taken off, *you may govern as you please*; and most resolute I am that work may be done without borrowing any help forth of the king's lodgings; and that is as downright a *peccatum ex te Israel*, as ever was, if all this be not effected with speed and ease.” Id. p. 173.

Clarendon tells us, that ministers, after the determination to dispense with parliaments, assumed a greater boldness, “especially if they found themselves above the reach of ordinary justice, and feared not extraordinary, they by degrees thought that no fault which was like to find no punishment.” Hist. vol. i. p. 66. These two, as

pression of the lesser monasteries, in the 27th of Henry VIII. That prince having resolved on suppressing the greater likewise, in which he was joined by the bulk of the aristocracy, who expected to share in the spoil, granted a commission to the bishop of Landaff and others, for the purpose of preserving the peace of the counties of York, Northumberland, Cumberland, and Westmoreland; the bishopric of Durham, the cities of York, Kingston-upon-Hull, and Newcastle-upon-Tyne. This commission was, in a common view, merely one of oyer and terminer, only that it contained a concluding clause, authorising the commissioners to decide according to sound discretion. This clause was, however, soon afterwards declared

they ever lamented together the degeneracy of men in halting in the grand work—not going *thorough*—were the most notable examples of this.

Now, after all this, what will be the reader's surprise to find the following passage in Mr. Hume's History, regarding the Council of York? "*It is not improbable that the king's intention was only to prevent inconveniencies which arose from bringing of every cause from the most distant parts of the kingdom into Westminster-Hall. But the consequence, in the meantime, of this measure, was the putting of all the northern counties out of the protection of ordinary law, and subjecting them to an authority SOMEWHAT arbitrary.*" If I understand the meaning of the word arbitrary, it is to dispense with all rules, thus leaving every matter to the will of the sovereign and his ministers.

"Complaints," says he, "were about this time" (year 1637) "made that the petition of right was, in *some instances*, violated." Did this celebrated historian attend to the nature of that statute, or the distinction between a government of will, and a government of law?—Were not the whole northern provinces, according to his own admission, put out of the pale of the law altogether? Was not an arbitrary government also established in the south?

unanimously by all the English judges to be illegal. The commission farther empowered the commissioners to hear real and personal causes, when either or both of the parties laboured under poverty. But the power, if acted upon at all, was very sparingly resorted to; and, in the second of Elizabeth, it was declared to be illegal, as causes regarding property, whether real or personal, could only be decided by the laws of the land. In the seventh of king James, however, a new commission was granted, which differed from all the preceding. For the commissioners were no longer ordained to inquire *per sacramentum bonorum et legalium hominum*; and hear and determine *secundum leges Angliæ*; but were referred merely to secret instructions which, for the first time, were sent thither. This at once left the whole people of the northern part of England at the mercy of the king, or the caprice and rapacity of his ministers, and was so flagrant a breach of every principle of justice, that the judges of the common pleas, matters not having attained the lamentable pitch they afterwards arrived at, had the courage to discharge their duty, by issuing prohibitions to the president and council; and James himself ordered the instructions to be enrolled, that people might, in some measure, ascertain by what rules their conduct must be regulated. But, in the present reign, when Wentworth, who had himself so loudly called for the petition of right, that all pretext for arbitrary government should be withdrawn, was made president of the north, he swept away

the little semblance of justice that remained, having declared, that he would lay any man by the heels who ventured to sue out a prohibition in the courts at Westminster. The commission was renewed in his favour three several times; in the fourth, the eighth, and the thirteenth of this reign; and in that of the eighth, “a new clause was inserted,” said Clarendon, then Mr. Hyde, in an address to the lords in parliament, “for the granting, sequestering, and establishing possessions, according to instructions crowded in a mass of new, exorbitant, and intolerable power.”

“Though our complaint,” continued he, “be against the commission itself, and against the whole body of those instructions, I shall trouble your lordships with the ninth instruction, though it be but short, which introduceth that *miseram servitutem, ubi jus est vagum et incognitum*, by requiring an obedience to such ordinances and determinations as be, or shall be, made by the council-table, or High Commission court; a grievance, my lords, however, *consuetudo et peccantum claritas nobilitaverint hanc culpam*, of so transcendant a nature, that your lordships’ noble justice will provide a remedy for it with no less care than you would rescue the life and blood of the commonwealth.” He goes on to state, that there were no fewer than fifty-eight instructions—all of them *beside* or *against* law; “and,” continues he, “can such a court as this deserve to live? What a compendious abridgment hath York gotten of all the courts in Westminster-Hall? Whatsoever falls within the cog-

nizance or jurisdiction of either courts here, is completely determinable within that one of York, besides the power it hath with the ecclesiastical and High Commission courts.

“ What have the good northern people done, that they only must be disfranchised of all their privileges by Magna Charta, and the petition of right? For, to what purpose serve these statutes, if they may be fined and imprisoned without law, according to the discretion of the commissioners? What have they done, that they—that they alone, of all the people of this happy island, must be disinherited of their birth-right, of their inheritance? For prohibitions, writs of Habeas Corpus, writs of error, are the birth-right, the inheritance of the subject.

“ Now, these jurisdictions tell you, you shall proceed according to your discretion, *secundum sanas discretiones*, that is, you shall do what you please; only that we may not suspect this discretion will be gentler and kinder to us than the law, special provision is made in the instructions that no fine, no punishment shall be less than by the law is appointed, by no means, but as much greater as your discretion shall think fit. And, indeed, in this improvement, we find arbitrary courts are very pregnant; if the law require my good behaviour, this discretion makes me close prisoner; if the law sets me upon the pillory, this discretion appoints me to leave my ears there. To proceed according to discretion, is to proceed according to law, which is *summa discretio*, but not according

to their private conceit or affection. For *talis discretio*, saith the law, *discretionem confundit*. And such a confusion hath this discretion in these instructions produced, as if discretion were only to act with rage and fury. No inconvenience, no mischief, no disgrace, that the malice, or insolence, or curiosity, of these commissioners had a mind to bring upon that people, but, through the latitude and power of this discretion, the poor people hath felt. This discretion hath been the quicksand which hath swallowed up their property—their liberty*.”

It is impossible to add to this picture, and, considering whence it proceeds, there is no occasion to doubt its truth.

Religion.

Such was the civil government; and we shall now take a view of the ecclesiastical and the religious innovations. Foreigners remarked that the English bishops believed all that was taught by the *church*, but not by the *court* of Rome; and whoever will take the trouble to peruse the works which were patronised by Laud, and attend to the Scotch canons and liturgy, and read those works of Baillie and Prynne, in which they expose the tenets, will be satisfied that there was not one article of the Catholic faith which had not received the sanction of the king and his hierarchy. The people were

* Rush. vol. ii. p. 158, *et seq.* vol. iii. 136. Rymer, tom. xix. p. 8 to 25. p. 410, *et seq.* By this last prohibition, writs of *habeas corpus*, &c. were only to be allowed when the court exceeded its instructions! Art. 29.

interdicted, under severe penalties, from any defence of their own creed; and even the Protestants abroad, as well as those at home, were pursued with an increasing cry of reproach; and, while every attack upon the Romish church and religion was punished with the utmost cruelty, a direct defence of that church was published by one Chowney, and dedicated to, nay patronized by, Laud himself, then the primate*. Under this ecclesiastic, books which had been previously deemed the purest fountains of orthodoxy, and had run through numerous editions, as Fox's Martyrs, Jewell's Works, and even the Practice of Piety itself, which had been reprinted thirty-six times, were suppressed†! The liturgy, too, was in some respects altered, to bring it to a nearer conformity with the Romish; and what it still wanted from the caution of those concerned in the innovations, was to be found in that which was obtruded from the same quarter upon the people of Scotland. Indeed, the doctrine of the high-church clergy was, that the church of Rome was the mother church, erring not in fundamentals, and was in fact the only medium through which a Christian church or even priest could exist; and that a general reconciliation of the various churches to their common parent would be a desirable event. They did, no doubt, talk of minor corruptions; but they never distinctly specified in what these consisted. In the mean time, the hierarchy were encouraged by

* Whitelocke, p. 22.

† Laud's Trial.

Charles to maintain that they held their jurisdiction from God, (*jure divino*;) “doctrine,” says Whitelocke, “for which they might have been censured in the times of Henry II. and Edward III.—and which denial of the supremacy of the king under God, Henry VIII. would have taken ill, and, it may be, would have confuted them by his kingly arguments, and *regiâ manu**!” Had they merely asserted that bishops were an order of ecclesiastics sanctioned by the word of God, there had been no cause of complaint: but the consequences which they meant to attach to the divinity of their order were alarming. They, like the Presbyterians, desired to be independent of the civil authority, that is, the authority of parliament, and to confer upon the decrees of a convocation all the effects of legislative enactments, or even of infallibility. The lawfulness of prayer for departed souls, an engine by which great property had, in former times, been drawn from the credulous; the lawfulness of images, and of the adoration of the altar, with the real presence; the necessity of confession, and efficacy of absolution, and that protection was afforded by tutelar saints, were all keenly maintained. The same reverence as in the popish church was exacted by the clergy, the same respect to days, meats, and vestments; while all the pomp and ceremony of the catholic

* Whitelocke, p. 22. Rymer, tom. xx. p. 143. 168. The statute of Edward VI. was determined not to be in force. Rush. vol. ii. 450-1.

worship were restored. Disparagement, too, was thrown upon the reigns of Henry VIII. and Edward VI. for the measures in regard to religion; and, in the very statutes for the university of Oxford, devised by Laud, statutes equally repugnant to civil and religious liberty—"the much-to-be-admired felicity of Mary's reign" was alluded to*. While holidays were revered, the Sunday was despised; works were encouraged against it, and the attempt to defend the regard paid to it was punished by the High Commission. The Book of Sports was appointed to be read in all the churches, inviting people to recreations and pastimes on that day—an injunction pregnant with the most remarkable consequences—and plays were, on that day, commonly acted at court †.

The only substantial difference between the state of the English church, as it stood after the innovations of Laud, and what it was before the Reformation, consisted in the clergy's arrogating to themselves exclusively the powers which, by the acknowledgment of the Pope's supremacy, had then been divided with his Holiness. But foreigners expected the relapse of England into the bosom of the mother church, and the measure appears to have been seriously intended by Charles and his grand ecclesiastical adviser. No sooner

* Rush. vol. ii. p. 334.

† Heylin's Life of Laud, p. 257, *et seq.* May's Hist. p. 24. See Laud's Diary for March 28th, 1624, in proof of his respect for holidays. He would have had no sports on these days.

had Laud been promoted to the primacy, than a cardinal's hat was tendered him; and his refusal, as recorded by himself in his diary, is so singular, that we should be doing injustice to our readers by withholding it. "August 4th, Sunday. News came to court of the Archbishop of Canterbury's death; and the king resolved presently to give it to me, which he did August 6th. That very morning, at Greenwich, there came one to me, seriously, and that avowed ability to perform it, and offered me to be a cardinal: I went presently to the king, and acquainted him both with the thing and the person. August 17th, Saturday. I had a serious offer made me again to be a cardinal: I was then from court; but, so soon as I came thither, which was Wednesday, August 21st, I acquainted his majesty with it. But my answer again was, that *somewhat dwelt within* me which would not suffer that, *till Rome were other than it is.*" It is beyond all question from this that Laud suffered a struggle in his own bosom; and, from his haste to acquaint the king of the circumstance, it is evident that his own answer was in some measure to depend upon his majesty's pleasure. It will be remarked, that, in mentioning the second offer, he, after stating that he had apprized the king of it, adds, that his answer *again* was, that *somewhat dwelt within* him, and yet that he does not think it necessary to state what answer he returned, speaking of the first; and that, which is the most important fact, it does not appear to whom the answer was made—whether to the king,

or to the person who proposed the cardinalship. He is then speaking of the king, and his majesty's observations are withheld. If the answer were made to the king, then his majesty's favourable feelings towards the proposal is indisputable:—If to the proposer himself, there was assuredly no need of posting to the king with a matter on which the primate was himself determined. At all events we are led to believe that the answer depended upon the archbishop himself, and not upon Charles: But we have still to complain of being deprived of the monarch's observations. And one thing is indisputable, that, had this ecclesiastic firmly, as became an English divine, to whom, since it evinced such an unfavourable idea of his integrity to his principles, it was an insult, refused the first offer, he never would have been troubled with a second. But it is quite evident that he regarded it in a very different point of view. The following passage of a letter written by him on the 9th of the next month, to his great friend Wentworth, throws much light upon this subject. “I must desire your Lordship not to expect more at my hands than I shall be able to perform, either in church or state; this suit hath a great deal of reason in it; for you write that ordinary things are far beneath that, which you cannot chuse but promise yourself of me in both respects. But, my Lord, to speak freely, you may promise yourself more in either kind than I can perform: For, as for the church, it is so bound up in the forms of the common law, that it is not possible for me, or

for any man, to do that good which he would, or is bound to do. For your Lordship sees, no man clearer, that they which have gotten so much power in and over the church, will not let go their hold: They have indeed fangs with a witness, whatsoever I was once said in a passion to have. And for the state, indeed, my Lord, I am for *Thorough*, but I see that both thick and thin stays *somebody*, where I conceive it should not; and it is impossible for me to go thorough alone*.”—From this it appears that Laud was restrained in his thirst for innovation, and extending the ecclesiastical power as well as the civil: and we may conclude that the *somebody* who was staid by the thick and thin system was Charles himself. Laud had no merit in resisting an offer which he durst not accept; and if this complaint against the king be coupled with his statement in his diary, it may perhaps be inferred that he was as much chagrined with his majesty on account of the church as the state. But it is amazing that the most profligate men, especially of that calling, are the first to talk of patriotism and conscience. He concludes the paragraph in these words: “Besides, *private ends* are such blocks in the public way, and lie so thick, that you may promise what you will, and I must perform what I can, and no more.”

It has been supposed that his refusal proceeded from an unwillingness to acknowledge a superior

* Straf. Let. and Disp. vol. i. 111.

in another country, while the supremacy was admitted by the sovereign to centre in himself as head of the church. But, though there is great apparent soundness in the idea, it is not supposed by what himself states, and the attempt at reconciliation which he subsequently made. The authority of the clergy was promoted, because, from their preferment depending upon the crown, they supported his own pretensions: But, were the supremacy of the pope restored, their allegiance would be divided, their dependence on the prince somewhat diminished. Hence Laud might aspire to the protection of a foreign power, too remote to injure him, as it might enable him to have more influence in England: But the prince had, to a certain degree, an opposite interest, which, superadded to a sense of the convulsions likely to ensue, probably determined Charles at this time. The negociation was, however, afterwards renewed, and even Heylin himself seems reluctantly to admit that it was seriously entertained. Con, Panzani, &c. acted in England as the avowed residents of the pope*.

Lest the object of the king and clergy should meet with obstruction from opposite principles, all lecturing was prohibited, lay dependencies struck at, teaching of any kind interdicted, except to such as were licensed by the ordinary, and the privilege of keeping chaplains, though still al-

* Heylin's Life of Laud, p. 412, *et seq.*

lowed to the nobility, was now denied to private gentlemen. The idea of such a privilege was reprobated by the ruling party, and the chaplains themselves spoken of most rancorously, by the title of *trencher-chaplains* *. The cause is obvious. Their employers selected men of qualities adapted to their creed, and that detracted from the power of the hierarchy. While the Catholics were encouraged, all non-conformity of a popular kind was visited with severe punishment. To such a height was this carried, that the privileges in regard to worship which had been granted to the Dutch and Walloon congregations, the descendants of those who had fled from persecution on the Continent, were withdrawn in spite of every remonstrance, and many of them left the kingdom †. The regiments abroad had indulged in a worship not altogether consonant to the schemes of the patriarch of the west‡, as he wished to be styled, and rigorous measures were adopted to bring them to conformity. This, however, was little. The very factories abroad, which, as they were removed from English jurisdiction, might have been allowed the undisturbed enjoyment of

* Heylin's *Life of Laud*, p. 200, *et seq.* and 255. *Introd. to Laud's Trial*, and *Trial by Prynne*. May's *Hist.* p. 21. *et seq.* Whitelocke, p. 18. It is a singular fact, that Cardinal Richlieu, having taken offence at the Pope, threatened to call a national council, and choose a patriarch for France. Clarendon's *Papal Usurpations*, p. 542.

† Rush. vol. ii. p. 272 and 3. *Laud's Trial by Prynne*, p. 27. 33. 388, *et seq.* 539, *et seq.* Heylin's *Life of Laud*, p. 276, *et seq.*

‡ Cob. *Parl. Hist.* vol. ii. p. 671.

their religion, felt themselves in this respect within the power of Laud. The same policy was followed in regard to the American plantations—thus proving that men had no hope of relief from persecution, for worshipping God according to the dictates of their conscience, since the arm of power pursued them even to the then savage climes beyond the Atlantic. Such was the spirit of the cabinet, that as the colonies, by affording an asylum from civil and religious oppression, were thought to encourage a spirit of resistance, measures were adopted to prevent emigration*.

It was well remarked, by a cotemporary of this reign, that “where there was no religion, yet there was superstition†.” Without making any farther remarks about the display of crucifixes, and superstitious observances in general, we shall content ourselves with the following instance of the mummery introduced. St. Katherine Creed church having undergone some repairs, was suspended from all service till it should be consecrated; and the ceremony was performed thus: At Laud’s approach to the west door, some of his attendants cried out with a loud voice, “Open, open, ye everlasting doors, that the king of glory may enter.” The doors flew open, and the prelate, with some doctors and other chief men, entered the church, where Laud, falling down upon his knees,

Consecra-
tion of
Creed-
Church,
16th Jan.
1631.

* Rush. vol. ii. p. 298. 408, *et seq.* Rymer, tom. xx. p. 143, Heylin’s Life of Laud, p. 368.

† May, p. 19.

raising his eyes, and extending his arms, exclaimed—"This place is holy, the ground is holy: In the name of the Father, Son, and Holy Ghost, I pronounce it holy." Then, as he and his attendants approached the chancel, he took up dust several times, and threw it into the air. As they drew nigh to the rail and communion-table, now styled an altar, he bowed towards it repeatedly. After this they went round the church chaunting the hundredth, and then the nineteenth psalm; and lastly, said a prayer ending with these words: "We consecrate this church, and separate it unto thee as holy ground, not to be profaned any more to common use." He next, while standing near the communion-table, took up a *written* book, and pronounced curses upon all such as should afterwards profane that holy place, by musters of soldiers, keeping profane law-courts, or carrying burthens through it; and, at the end of every curse, he bowed towards the east, and said—"Let all the people say, Amen." After the curses followed blessings upon all who had been concerned in framing and building that sacred and beautiful edifice, and those who had given or should thereafter give any chalices, plate, ornaments, or utensils; and at the close of every blessing, he bowed towards the east, and said, "Let all the people say, Amen."

The sermon followed, and then he consecrated and administered the sacrament in the following manner. As he approached the table he made several low bows; then going to that side where

the bread and wine stood covered, he bowed seven times: after reading many prayers, he went to the bread, and gently lifted up the napkin in which it was laid; but, having got a glance of it, he dropt the napkin, flew back a step or two, bowed towards it thrice, and again drawing near, repeated his bows. He next laid his hand upon the cup, (which was covered, and full of wine,) but instantly withdrawing his hand, retired, and bowed towards it three times. Again he approached, and, lifting the cover, peeped into the cup; but immediately dropping the cover, retired, and bowed as before. After this he received the sacrament himself, and dispensed it to some of his chief attendants, which, with many prayers, ended the solemnity*.

Such were the religious innovations of this reign, and surely never was any set of men treated with more injustice than those who resisted them. All this introduction of mummary and new doctrine has been vindicated, on the ground that the authors of the innovations were actuated by pure motives, while the people, who refused compliance with such audacious novelties, have been treated with every species of contumely and scorn. The first have been extolled for their injudicious piety; the last bitterly condemned, because they did not, by passively adopting every order from the throne, exhibit all the indifference which could be manifested by a nation of freethinkers, who

* Rush, vol. ii. p. 76, *et seq.*

were likewise lost to a sense of the civil rights that had descended to them from their ancestors.—Much has been said about the gloomy austerity of the age; and as the wildest were always selected by their antagonists as examples of the spirit of the party, (what party will not contain zealots who push the common principles absurdly far?) so the most dismal picture has been drawn of the popular party—the bulk of the kingdom. But, in truth, the nation was necessarily driven into an enthusiastic attachment to its creed by the measures of the ruling faction. When all that men venerate is attempted to be wrested from them, and opposite principles are obtruded, they would cease to be endowed with the feelings of humanity, were they not inspired with the most lively devotion to their cause, and with horror at the unjust sacrifice so arbitrarily demanded, and so bloodily pursued.

It is now high time to present a picture of some enormities of the Star-chamber, and other arbitrary courts, which have not yet been noticed.

Leighton's
Case in the
Star-Cham-
ber, 1630.

Alexander Leighton, a native of Scotland, was a doctor of divinity, and a man of great ecclesiastical learning, with an acute intellect, but of as narrow, contracted a mind as Laud himself. His principles, while they opposed the hierarchy, and he complained loudly of the cruel intolerance of the ruling party, were so inconsistent with toleration, that, in the very treatise about to be mentioned, he bitterly condemned the Dutch for not suppressing popery fully. He says, that if that

republic were actuated by pure principles, “ then would they not, with Sultan Solyman, or blanch-ed atheists, make so much of that Machiavelian principle, that a state may tolerate any religion, if it be for its profit: which is directly, as one observeth, against the nature of God and true religion, for there must be but one; the virtue of the commandment; the office of the magistrate, (the dealing of idolators with their false worship confirms this truth;) and lastly, it is against the true profit of the state*.”—In the horrid treatment he suffered, therefore, he only experienced the ills he would, on these principles, have inflicted.

During the session of parliament in 1629, the High Commission court and the spiritual courts had rendered Laud, then Bishop of London, and his brethren, so generally odious, that several gentlemen and citizens called upon Leighton, at his house in Blackfriars, London, and requested him to draw up articles against such oppression. Having undertaken the task, he wrote a book, which he entitled an Appeal to Parliament, or Sion's Plea against Prelacy, which he was advised by his friends, who liked it, to retire to the Continent and print. But this he declined, till about 500 people, amongst whom were several members of parliament, set their hands to it by way of approbation. Having got it printed abroad, he returned to England, and delivered two

* Sion's Plea against the Prelacy, p. 135. 2d Edit.

copies to the parliament, only two days before the dissolution. The work was deeply erudite; but his language was scurrilous and indecent. He called the bishops antichristian, men of blood, &c. and he said, "We do not read of a greater persecution and higher indignities against God's people in any nation than in this, since the death of Queen Elizabeth." He bitterly condemned the canons and ceremonies, maintaining that "the church hath her laws from the Scripture, and that no state or king could make laws for the house of God." He also called the Queen, on account of her religion, the daughter of Heth*; affirmed "that all that pass by spoil us, and we spoil all that rely upon us"—particularly referring to the case of Rochelle; and said, "What pity it is that so ingenuous and tractable a king should be so monstrously abused by the bishops, to the undoing of himself and his subjects!"

The attack upon the bishops, and the exposure of their usurped power, were not to be forgiven. Leighton was seized by pursuivants of the High Commission, abused by them with the opprobrious epithets of jesuit and traitor, and carried to Laud's house, where he was confined many hours without

* The passage regarding the Queen was this. "A fourth thing that we much importuned God for was, the breaking of the Spanish match, and our prince's safe return from Spain. God, in mercy, granted both; but we were so unthankful for both these in a right manner, and brake up our watching over him for a bitter helper, that God suffered him, to our heavy woe, to match with the daughter of Heth, though he mist an Egyptian." *Sion's Plea against the Prelacy*, p. 94. 2d edit.

food. From thence he was dragged to Newgate, where he was loaded with irons, and thrust into a loathsome dog-hole, full of rats, &c. and not defended by a sufficient roof from the inclemency of the weather. From the first Tuesday-night till Thursday at noon, he was allowed neither meat nor drink; and for the first fifteen weeks no friend, not even his wife, was admitted to his dungeon. After that, his wife, but none else, was allowed to visit him. In the mean time, his house was plundered, and his family both rifled by pursuivants of the High Commission, and subjected to their brutal insolence. These wretches held a pistol to the breast of one of his sons, then only five years old, threatening to shoot him if he did not discover where his father's books were, and so affrighted the poor child that he never recovered it. Leighton was refused to be bailed, though he was entitled to demand it. Sir Robert Heath, then attorney-general, "a fit instrument for those times," according to Whitelocke, had the meanness to visit him in Newgate, for the inquisitorial purpose of wringing information from him, and "used him with cruelty and deceit." The doctor was promised both pardon and favour if he would disclose the names of the five hundred who incited him to write the book; but he had spirit enough to reject the pitiful offer, and he was served with an information to appear before the Star-chamber, to answer for many positions and assertions hurtful to the prerogative, and calumnious to the King, the Queen, and the prelates, &c.

Long confinement in so wretched a hole induced a violent distemper, attended with loathsome symptoms, as the falling away of his hair, and the peeling off of his skin; but nothing could mollify the rancorous malignity of his enemies, and in spite of a certificate by four physicians, that as his disease was desperate, he was not in a fit condition to appear in court, he was carried thither.

In court he confessed the publication, but denied the malicious intention imputed to him, declaring that his object was merely to demonstrate certain grievances in church and state, that parliament might take them into consideration, and afford such redress as might be conducive to the honour of the king, the quiet of the people, and the peace of the church. This defence was disregarded; and the court declared the book to be full of most pestilent, devilish, and dangerous assertions, to the scandal of the king, the queen, and the peers, particularly the prelates; and to merit the most severe punishment which that tribunal could inflict. The two chief justices, who sat in that detestable place, affirmed that they would have, without scruple, proceeded against him for high-treason, if the case had been tried before them elsewhere; and other lords dwelt upon his majesty's great mercy and goodness for bringing him thither, instead of questioning him for treason. He was, therefore, unanimously adjudged to be committed to the Fleet prison for life, and to be amerced of L.10,000—a sum far beyond his means. But as he had entered the ministry, the

court, out of reverence to his calling, delayed the infliction of any corporal or ignominious punishment, so long as he continued in orders. They referred him, however, to the High Commission, that he might be degraded, and ordained that, after degradation, he should be whipt at Westminster, and set in the pillory there, during the sitting of the court; have one ear cut off, one side of his nose slit, and one cheek branded with S.S. for sower of sedition: That he should then be carried back to prison, and, at a future convenient time, be brought to Cheapside on a market-day, and be there whipt again, and set in the pillory, and have his other ear cut off, his other cheek branded, and the other side of his nose slit. After which was only to follow imprisonment for life. We are told, though, for the honour of human nature, one feels disposed to disbelieve it, that when this horrible sentence was pronounced, Laud—that patriarch of a Christian church—that grand minister of a religion which teaches charity and goodwill to men, with fiend-like triumph over his prostrate victim, pulled off his cap, and gave thanks aloud to God, the Father of mercies.

This sentence was pronounced towards the end of Trinity-term; but as the court did not usually sit after that term, and it required some time in the ecclesiastical court for his degradation, it was Michaelmas before any part of the sentence could be executed. He was degraded on the 4th of November; and on Wednesday, November the 10th, a Star-chamber day, he was to have undergone his

punishment ; but, on the preceding evening, he contrived to escape from prison ; and, as he was not immediately retaken, it was the 16th before the tragedy of whipping, branding the cheeks, slitting the nose, &c. commenced. We have been the more particular in our detail of this case, because a most unfaithful picture of it—a picture calculated to convey a very false idea of the government—has been given by Mr. Hume. “Leighton,” says he, “who had written libels against the king, the queen, the bishops, and the whole administration, was condemned by a very severe, if not a cruel sentence ; *but the execution of it was suspended for some time, in expectation of his submission. All the severities, indeed, of this reign, were exercised against those who triumphed in their sufferings, and braved authority ;* and, on that account, their punishment may be deemed the more just, but the less prudent.” It is impossible for any statement to be more remote from the truth. The best submission which Leighton could make, was a denial of any evil intention ; and that he did, while nothing farther of that kind was required of him. The delay in the execution of the sentence has been explained ; and as to the general character of this reign, it is no less unjust. Mercy was not its attribute. But Mr. Hume has not advanced this statement, without giving something in the shape of authority ; and, to the superficial reader, that is enough. We have already had occasion to remark the exquisite felicity with which he has culled out every thing in the form of autho-

rity which seemed to warrant his statement, while he disregards the most palpable and indisputable evidence of a contrary nature; and here we have a remarkable proof of his way of proceeding. Rushworth, Heylin, nay, Laud himself,—every other cotemporary, supports our text. These the historian could not possibly overlook; but, as if they were entitled to no respect, he passes them over in silence, and refers only to the third volume of Kennet's Complete History, the production of some nameless violent party-writer, who published in 1708, or about eighty years after the event, and who approves of the proceedings. Of itself, this is as unworthy of credit as any naked assertion in a work of the present day; and there is not a reference to any authority whatever.

The sentence in regard to the corporal punishment was not only executed to the letter, but with the utmost barbarity, though, when a knight, dreading that the precedent might at some future period be used against the higher classes, expressed dissatisfaction, it was alleged that the sentence was only pronounced *in terrorem*. The imprisonment was equally severe*.

* Rush. vol. ii. p. 55, *et seq.* Franklyn, p. 34, 5. Sanderson, p. 144. State Trials, vol. iii. p. 383. It is but justice to Laud to say, that Rushworth has surely fallen into an error about an entry in Laud's Diary, detailing the punishment; and that Neal, Oldmixon, &c. have followed up this mistake by remarks upon the unrelenting ferocity of the man that could coolly sit down to describe this barbarity for his own recollection.—Heylin, in his Life of Laud, p. 198, and Sanderson, p. 141. charge Leighton with having advsed to slay all the bishops, by striking them under the fifth rib; and in this they are followed by Whitelocke, p. 15; but I can find nothing of the kind.

Sherfield's
case, 1632.

Henry Sherfield, benchet of Lincoln's Inn, and recorder of Sarum, was accused of having irreligiously taken pictures of God the Father, from a glass-window in St. Edmund's church in Salisbury. But his defence appears to have been complete: That it was a lay-fee, and fell exclusively under the management of the parishioners, instead of the bishop of the diocese: That they had ever exercised their right without challenge; and he acted by order of the vestry, (amongst whom were six justices of peace present,) who were moved by a current report that some ignorant persons had committed idolatry by bowing before this resemblance of God: That, besides all this, he was not only justified, but enjoined to destroy such monuments of idolatry, both by statutes and ecclesiastical canons: That the pictures were, of themselves, as paltry in the execution, as they were mean and impious in the design—representing the Deity in a variety of postures, as a little old man in a long blue gown, with a pair of carpenter's compasses in his hand, measuring the sun, &c.; and did not, at the very first, cost above forty shillings: That they could easily be replaced; and that he was

in the pamphlet itself, and he was not accused of that—a circumstance which I hold to be quite conclusive. Besides, the expression of giving a man a blow under the fifth rib, as refuting him in argument, was quite common. Sir Edward Deering said that Laud had done so to the Pope. Heylyn's *Life of Laud*, p. 360. *Laud's Diary*. Neal's *Hist. of Puritans*, vol. ii. p. 217, *et seq.* See Dr. Benson's *Tracts*, No. IX. A Brief Account of Archbishop Laud's Cruel Treatment of Dr. Leighton. This Leighton was father of the well-known Scotch arch-bishop, of whom Burnet speaks so highly, and whose works are much prized. See Kennet, vol. iii. p. 60.

willing to obey any orders of the vestry to restore them.—All this availed him nothing. Some of the lords were for amercing him L.1000, but the majority inclined to L.500 only; and he was fined that sum; condemned to lose his office of recorder, and make a public acknowledgment of his offence, and to be bound over to his good behaviour*.

John Overman, and fifteen other soap-makers, were accused of offending against his majesty's proclamations and patents, regarding the manufacture and sale of soap; and, in defence, they pleaded several acts of parliament, letters-patent, charters, and acts of common council; but the court, instead of considering this plea, referred it to Sir Robert Berkeley, one of the justices of the King's Bench, for his opinion upon the pertinency of the answers or defence; who certified to the court that the whole should be expunged, excepting four words at the beginning, and the last ten lines, which contained nothing farther than the plea of not guilty. Another reference was made about the pertinency of the interrogatories, and the depositions of the witnesses on the part of the defendants; and this worthy judge, with his peers, certified, that thirty-nine of the interrogatories, and the answers, should be expunged; and they were expunged accordingly. Thus these unhappy men were not even permitted to be heard

Case of Overman and others, 1634.

* Rush. vol. ii. p. 152, *et seq.* vol. iii. App. p. 54. Franklyn, p. 410, *et seq.* Prynne's Canterbury Doom, p. 10, 3, 488, 9, 491, 5. State Trials, vol. iii. p. 519, *et seq.* Heylin's Life of Laud, p. 228.

in their own defence. But the court acted judiciously. They required not to be told that the proclamations which the defendants contravened, were grossly illegal; and as they were yet resolved to support those breaches of the law and constitution, it was needless to pass through the mockery of legal pleadings. The defendants were sentenced to be committed to the Fleet, and rendered incapable of ever afterwards following their trade; and one of them was fined L.1500, other two L.1000 each, four others 1000 marks a-piece, and the other nine L.500 each. The fines were estreated into the exchequer without mitigation. It is unnecessary to add, that such proceedings were ruinous to these poor men and their families*.

Cases of
Rea and
others,
1636.

John Rea was sentenced to imprisonment during his majesty's pleasure, and to be liberated only upon finding caution for good behaviour; fined L.2000, and condemned to stand in the pillory with a label declaring the nature of his offence; merely, forsooth, because he exported fuller's earth in the face of a proclamation. Peter Hern, and two others, were fined L.2000 a-piece; another, L.1000; two others, L.500 each; and a seventh, L.100, for exporting gold, which was prohibited by proclamation†.

“In order to account for the subsequent convulsions,” says Mr. Hume, “*even these incidents are not to be overlooked as frivolous and contemptible. Such severities were afterwards magnified into the greatest enormities.*”

* Rush. vol. ii. p. 52-3. iii. p. 54. † Ibid. vol. ii. p. 348, *et seq.*

Sir David Foulis, a member of the Council of York, was, upon a charge of speaking irreverently of his office, opposing the commission of knight-hood, and throwing out some remarks against Wentworth, which he denied, fined by the Star-chamber, L.5000; assessed in damages to Wentworth, L.3000; and ordained to make an acknowledgment of his offences both to his majesty and to Wentworth, not only in the Star-chamber, but in the court of York, and at the assizes, and condemned to imprisonment during the king's pleasure, and to be deprived of his various offices as member of the Council of York, deputy-lieutenant, and justice of peace. His son, Henry, was likewise fined L.500 *. In this prosecution, we have a remarkable instance of the vindictive temper of Wentworth, and the corruption of Laud, and other ministers of the crown. Nay, Charles himself cannot, in this case, any more than in others, escape from the charge of having encouraged a tribunal to pronounce a sentence for the gratification of private feelings; in other words, to pervert the very end of a trial, and commit perjury, by violating the oath to do justice. Wentworth was mean, profligate, and revengeful enough to solicit the king and the lords of the council to condemn the Foulises, and lay a heavy fine, &c. upon them. The following words were addressed to Lord Cottington:—"I am a suitor by you to his majesty, that he would be graciously pleased to recommend

Case of Sir
D. Foulis
and his son,
1633.

* Rush. vol. ii. p. 215. State Trials, vol. iii. p. 586.

the cause to the lords, as well in his own right as in the right of his absent, poor servant, and to wish them all to be there." He then proceeds to give his opinion upon the extent of the fine, as Cottington was likely to begin. "First, I desire you to remember how Greenfield was fined for calling Lord Suffolk a base lord: how a jury gave L.8000 damages to my Lord Say for the same words; and then balance the slander most ignominiously and maliciously put upon me by Sir David and his son, and let me be not less valued than other men, when I conceive that I merit to be more regarded than they," &c. "I was, albeit unworthy, in that place, chief governor under his majesty, his lieutenant, and president of the council, which makes this a direct mutiny, and stirring up a sedition against the regal authority, as well as me. Much more I could say if I were in the Star-chamber to speak for my Lord Cottington. But I will conclude with this, that I protest to God, if it were in the person of another, I should, in a cause so foul, the proof so clear, fine the father and the son, Sir David and Henry Foulis, in two thousand pounds a-piece to his majesty, and in two thousand pounds damages to myself for their scandal; and they both to be sent down to York, and there publicly, at York assizes next, to acknowledge in the face of the whole country *," &c.—After the sentence, he thanked all the members of the court particularly, and assured Laud in a letter, that he

* Straf. Let. and Disp. vol. i. p. 144, 5. See also p. 91.

never expected to have it in his power to repay the obligation. Laud answers, “I have given my lord of London thanks from your lordship, though neither myself nor he expect any such compliment from you, where the justice of your cause challenged all we did, and where I conceive the king was more concerned than your person, and howsoever, *where you serve the church so heartily, we churchmen were much to blame if we should not serve you* *.” It need scarcely be observed, that the remark about the *church* clearly proves that Laud’s idea of it was totally independent of Christianity or morality—since, to favour a man who served it, he would sacrifice the very first principles enjoined by both.

Though it be somewhat out of place, we cannot refrain from relating a circumstance which affords a melancholy proof of Wentworth’s irritably infantine jealousy of respect. Henry Bellasis, son of Lord Falconberg, was summoned before the council-board, and ordained to make a humble apology to Wentworth, and to be committed till he made it, because he did not pull off his hat one day to that individual, as the president at York, though he excused himself by alleging, that having been engaged in conversation with Lord Fairfax, he did not perceive the other †. Wentworth applied to Charles to be allowed royal reverence in Ire-

* Disp. vol. i. p. 189, 212.

† Rush. vol. ii. p. 88.

land, as the king's representative, and obtained his wish *.

Case of
Prynne and
others,
1633.

William Prynne, barrister at law, was a man of indefatigable study, and of an ardent temper; but without pretensions to genius, or to an enlarged understanding. His stupendous reading, indeed, was inconsistent with the first, and baneful to the last. He was a great admirer of Preston, a highly popular lecturer, who had been a few years before in great favour at court, (it was he who recommended to Buckingham the dissolution of cathedral churches, &c.) and might have, in the general estimation, bid fair for the highest dignity in the church, &c. could he have relaxed his principles †. In the year 1626, Prynne signalized himself as a champion of orthodoxy against Montague and

* Straff. Let. and Disp. vol. i. p. 200.

† Heylin's Life of Laud, p. 156. This writer does Preston the justice to say, that "he was (beyond all question) of a shrewd wit and deep comprehension." Buckingham latterly courted him to get a party. It was thought he might, besides choosing his own mitre, have succeeded Williams as keeper of the great seal. "But," says Heylin, "he was not principled for the court, nor the court for him." He had been an honest man. He was not seduced by such brilliant offers to desert his principles. The cause of the duke's disgust at him was a discovery that Preston had "written to a great peer of the realm, in which he spoke disadvantageously enough, if not reproachfully, of the court," (no wonder, when we consider the favourite's character,) "and signified withal how little hope there was of doing any good in that place for the advancement of the cause." *Ib.*—Heylin states this to depreciate Preston; but I could not desire a better proof of inflexible integrity. He died about the time Laud was translated to London, and thus escaped that prelate's persecution. For "Laud," says Heylin, "was resolved that there should be no more but one bishop in the city."—*Ib.*

others, for which he was summoned before the High Commission; but as parliament, which, according to Sir Edward Coke, "brought judges and all men to order," was sitting at the time his case came on, he easily obtained a prohibition from Westminster Hall. The interference with Laud's jurisdiction so enraged him, that he very nearly laid those who tendered the prohibition by the heels, and treasured up the incident for future revenge*. Prynne was supported by Abbot, and published some other tracts, particularly one against Cozen's Horaries, for which he was a second time summoned into the High Commission, where Laud intended to have ruined him; but, as the last parliament had not yet been dissolved, Prynne was again saved by a prohibition; and the high party lay on the watch for a pretext to destroy him†. That could not long be wanting under such a system, and a most extraordinary one presented itself. Stage-plays, masks, and revels were encouraged to an extravagant degree by the court; but they were irreconcilable with the sober seriousness of the strictest puritans. The authors and players resenting these feelings, and willing to please their patrons, endeavoured to hold up to ridicule a class who did not patronize themselves, and were obnoxious to their supporters, while they had introduced an obscenity revolting to every pure mind. This increased the alienation of the puritans, whose

* Heylin's Life of Laud, p. 155.

† Id. p. 173-4. 230. Canterb. Doome, p. 507, *et seq.*

disgust was greatly augmented by the indecency practised at court of representing plays, &c. on Sunday. If ever there were a subject on which it was innocent to exercise one's judgment, this assuredly was so; and Prynne, with the best intention, espoused the cause of his friends, embracing at the same time, the opportunity of censuring May games, &c. But any reasoning upon the innocency of the question must have been out of place before a tribunal where the attorney-general, with its approbation, accused the defendant of having undertaken a cause for which he had *no mission*. Prynne's whole argument might have been comprised in a few pages; but, when a person of prodigious reading endeavours to prove his position by authority instead of reason, it is impossible to predict into what a boundless field he may enter. The work, entitled *Histrio-mastyx*, was the labour of many years, and swelled out into a thousand quarto pages: It consisted chiefly of the opinions of the fathers, a species of authority, one would suppose, not calculated to allure the generality of readers*, but particularly offensive to Laud, who affected veneration for them, and to make them the rule of his conduct. The *Histrio-mastyx* was

* The following is an account of the reception Prynne's works met with. "His books," says one of Wentworth's correspondents to him, "are so valued by the Puritanical party, that a sister lately dying in London, bequeathed a legacy to buy books for Sion-college in London, and in her will desired that Mr. Prynne's works, in the first place, might be bought for that use." *Straf. Let. and Disp.* vol. i. p. 217. There is undoubtedly immense research in all his books, and, occasionally, most important information.

licensed by Abbot's chaplain; and, in the preface, which he addressed to the benchers of Lincoln's Inn, Prynne assigned his motives for the publication: That, on his first arrival in London, he had, by the importunities of acquaintances, been induced to attend a play four times; but that he witnessed such lewdness as made his penitent heart to loath, and his conscience to abhor, all stage-plays ever after: That he observed with concern the increasing rage for that species of amusement, in so much that there had been about forty thousand productions of that nature sold within a few years, while sermons were, comparatively speaking, neglected, and they were printed on better paper than the Bible itself: and that though there were only three theatres in Pagan Rome, in vicious Nero's reign, there were five now in Christian London, and a sixth was about to be added.

The clergy, who now approached to the church of Rome, ought, had they acted consistently, to have approved of the leading principles of the book; but this was not the order of the day, and Prynne had been marked for sacrifice. The style and bulk of the work were calculated to deter people from the perusal; but the name of the author at once roused Laud and his abettors, and Heylin was employed to hunt out objectionable passages. The manner in which he performed his duty is best explained in his own words. He makes "*notes, and deducts out of them such logical inferences and conclusions as might and did naturally arise in those dangerous premises*: One copy of

the same to be left for the lords of the council, and another with Noy the attorney-general, and the rest of his majesty's council learned in the laws of this realm, which paper gave such satisfaction to the one, and help to the other, that when the cause was brought to a hearing in the Star-Chamber, *they repeated his instructions only*, as Prynne himself informed against him to the House of Commons *." By such a course, charges of the following tenor were brought against the author: that players were rogues by statute (which, by the way, was correct;) that none were gainers, or honoured by stage plays, but the devil and hell; and that when players and their abettors have taken their wills of lust here, their souls go to eternal torment hereafter; that so many as are in stage-plays, are unclean spirits, and play-hunters incarnate devils; and that the chief cause of Nero's destruction was his frequenting them: Of dancing, he was alleged to have said, that it is the devil's profession, and so many steps in a dance so many paces to hell. Such were the articles charged. But the offensive part was an exposure of certain innovations in the church, which, though the attorney-general dwelt upon Prynne's alleged language, as he acted without a mission, &c. it was not thought convenient to bring into question. Had such been Prynne's own language and ideas, people of different minds might have properly repaid his abuse of their amusements

* Heylin's Life of Laud, p. 230, 231.

with contempt and scorn; but there was neither a principle of law, justice, nor common sense, on which he should have been condemned as a criminal. He affirmed afterwards, however, when he had no cause to resort to subterfuges, that the charges were not at all warranted by the text of his book; indeed false charges were the natural consequence of the course pursued: And any one may satisfy himself, that the offensive expressions are not his own, but borrowed from the fathers, to whose works he invariably refers.

Lest the humanity of Charles should interpose to save this victim of ecclesiastical vengeance, an artifice was adopted to inflame both him and his consort. Six weeks after the publication, her majesty acted a part in a pastoral at Somerset-House, and Laud and his friends shewed her and the king a passage—women actors, notorious whores, (few women appeared on the stage in those times, the characters of females being generally personated by men in women's clothes) and assured them that it was a libel upon her, though, as has just been said, the work had been published six weeks prior to her exhibition*.

Along with Prynne, Buckner, Abbot's chaplain, for licensing the work, and Michael Sparks for publishing it, were charged as accessories to his offence. They were all provided with counsel, who stated their respective cases with moderation and ability. On the part of Prynne, all intention of exciting

* Whitelocke, p. 18.

schism or sedition was solemnly disclaimed: He professed by his counsel the utmost attachment to the king's person and government, and declared, "That he had taken his oath of allegiance and supremacy in the university and inns of court, where he had taken his degrees: That it never entered into his thought to approve of schism or sedition; and if any thing in his book, contrary to his meaning, had a misconstruction towards his majesty's government, he is ready to prostrate himself at his majesty's feet, and crave pardon and grace." We have been more particular in this statement than we should have deemed compatible with our plan, in order to remove some misrepresentations by which the cruelty of the proceeding has been disguised. Mr. Hume erroneously states, after Clarendon, that Prynne aggravated his punishment by petulance and obstinacy in Court, whereas he does not appear to have opened his lips, having committed his defence entirely to his counsel.

This unhappy man was sentenced to stand twice in the pillory, once in Westminster, and once in Cheapside, and to lose an ear at each place; to pay a fine of L.5000, which far exceeded his means; to be degraded from the bar and at the university; and, lastly, to be imprisoned for life. His book, too, which was generally termed *ordure*, was ordered to be burned by the hangman, in imitation of the practice in foreign countries; such a proceeding being then unknown in England. Buckner was sentenced to be imprisoned, and

fined L.50; Sparks was fined L.500, and condemned to the pillory, with a label on his head, declaring the nature of his offence. The court further recommended a prosecution against Prynne in the High Commission, for those parts of his work which reflected upon the church. The chief justice Richardson and Lord Cottington declared it to be mercy in the king to try the author in that court, for that he had been guilty of high treason; and the former affirmed that he would have directed a jury to bring in a verdict to that effect. "We are troubled here," said he, "with a monster, *monstrum horrendum, informe, ingens*. I do not think Mr. Prynne is the only actor in this book; but that there were many heads and hands in it besides himself. I would to God in heaven, that the devil and all else that had their heads and hands therein besides Mr. Prynne, were, &c. for I think they are ill-wishers to the state, and deserve severe punishment, as well as Mr. Prynne doth. For the book, I do hold it a most scandalous, infamous libel to the king's majesty, a most pious and religious king; to the queen's majesty, a most excellent and gracious queen, such a one as this kingdom never enjoyed the like, and I think the earth never had a better.—Eye never saw, nor ear ever heard, of such a scandalous and seditious thing as this is."

Earl Dorset said, "It is not Mr Attorney that calls for judgment, but it is all mankind; they are the parties aggrieved, and they call for judgment."

Mr. Prynne, I do declare you to be a schism-maker in the church, a sedition-sower in the commonwealth, a wolf in sheep's clothing; in a word, *omnium malorum nequissimus*. I shall fine him L.10,000, which is more than he is worth, yet less than he deserveth; I will not set him at liberty, no more than a plagued man or mad dog, who, though he cannot bite, he will foam. He is so far from being a sociable being, that he is not a rational soul. He is fit to live in dens, with such beasts of prey as wolves and tygers like himself. Therefore I do condemn him to perpetual imprisonment, as those monsters that are no longer fit to live amongst men, nor to see the light. Now, for corporal punishment, (my lords,) whether I should burn him in the forehead, or slit him in the nose, for I find that it is confessed of all that Dr. Leighton's offence was less than Mr. Prynne's, then why should Mr. Prynne have a less punishment? He that was guilty of murder was marked in a place where he might be seen, as Cain was. I should be loth he should escape with his ears, for then he may get a perriwig, which he now so much inveighs against, and so hide them, or force his conscience to make use of his unlovely love-locks on both sides*. Therefore, I would have him branded in the forehead, slit in the nose,

* Prynne had published a pamphlet against the use of false hair, which was called lovelocks. He maintains that they are unmanly, &c. &c. and unchristian, leading people to place their affections upon their external appearance, and being an attempt to alter the image of one's Maker by ridiculous ideas of improving it. In the same work he is very zealous against the use of paint by ladies.

and his ears cropt too. I now come to this *ordure* : I can give it no better term, to burn it, as it is common in other countries ; or otherwise, we shall bury Mr. Prynne, and suffer his ghost to walk." He also advised a proclamation, calling in all copies, under a threat of bringing such as kept any under the censure of the court.

Prynne had made some allusion to the death of the Emperor Gallienus, and said, Tribellius Pollio relates that Martian, Heraclius, and Claudius, three worthy Romans, conspired to murder that emperor, (a man much besotted, and taken up with plays, to which he likewise drew the magistrates and people by his lewd examples,) as Flavius and others conspired Nero's murder for the self-same cause, &c. " Now, my Lords," said Chief Justice Richardson, " that they should be called three worthy persons that do conspire an emperor's death (though a wicked emperor,) it is no Christian expression." The doctrine laid down by these judges was, that if subjects have an ill prince, they must pray to God to forgive him ; but bear with him at all rates. Every one was louder than another in praise of the present king and his consort. Of the latter, Dorset, as if anxious to shew his aptitude for the two extremes of the most fulsome panegyric, and brutal invective, said, " Her own example to all virtues, the candour of her life, is a more powerful motive than all precepts, than the severest laws ; no hand of fortune nor of power can hurt her : her heart is full of honour, her soul of chastity ; majesty, mildness, and meekness, are so married to-

gether, and so impaled in her, that where the one begetteth admiration, the other love. Her soul of that excellent temper, so harmoniously composed; her zeal in the ways of God unparalleled. Her affections to her lord so great, if she offend him, it is no sun-set in her anger; in all actions and affections so elective and judicious; and a woman so constant for the redemption of her sex from all imputation which men, I know not how justly, sometimes lay on them; a princess, for the sweetness of her disposition, and for compassion, always relieving some oppressed soul, or rewarding some deserving subject. Were all saints such as she, I think the Roman church were not to be condemned; on my conscience, she troubleth the ghostly father with nothing, but that she hath nothing to trouble him withal. And so when I have said all in her praise, I can never say enough of her excellency, in the relation whereof an orator cannot flatter, nor poet lie."—Such was the language of the bench*.

Many of the privy council who sat in the court of Star Chamber on this occasion, were suspected papists, and some of them died such.

Not sated with this cruel punishment, Laud, and others of the high commission, ordered Prynne's books and papers to be seized, and brought from his lodgings, that they might be sifted for fresh matter against him; yet, when he complained of

* Rush. vol. ii. p. 220, *et seq.* vol. iii. Ap. p. 69. Franklyn, p. 446, *et seq.* Straf. Let. and Disp. vol. i. 207. State Trials. Heylin's Life of Laud, p. 230, 264. Whitelocke, p. 18, 22.

this in the Star Chamber, Laud had the meanness to deny it*. Shortly afterwards he wrote a private letter to Laud on the subject of his late trial: and though, under such circumstances, no generous mind would have regarded even an improper letter, Laud shewed it to the king, who ordered it to be delivered over to the attorney-general for prosecution. Noy sent for Prynne to examine him privately; when that unhappy individual, with less spirit than might have been expected, requested to see the letter; and as Noy, who had a pressing occasion to retire, left him a moment, he tore it to pieces, and threw it over the window. The pieces were tagged together, but so imperfectly, that Noy was obliged to abandon the prosecution, and Laud took the merit of forgiveness†. The court ordered that Prynne should thenceforth be precluded from the use of pen, ink, and paper.

One Allison had reported for news at Ipswich, and another person of the name of Robins at Yarmouth, that Laud had requested of his majesty, as he was on his way to Scotland, a toleration for the papists to have churches for worship, and that the king had confined him to his house. For this silly gossip, Allison was committed to the Fleet, bound to his good behaviour for life, fined L.1000, and

Case of Allison and Robins, 1634.

* Ibid.

† Vol. ii. p. 245, *et seq.* Whoever will take the trouble to look into the original account of this, will be satisfied that Prynne was not disposed to be petulant in court. Franklyn, p. 454. Heylin's Life of Laud, p. 265. Straf. Let. and Disp. vol. i. p. 266.

sentenced to be whipt, to stand in the pillory at Westminster, York, Ipswich, and Yarmouth, with a paper on his head declaring the nature of his offence, and to make a public acknowledgment of his offence at the various places. Robins was fined L.1000, and assessed 1000 marks of damages to Laud, condemned to make an apology, and committed to the Fleet*.

The case of
Prynne,
Bastwick,
and Burton,
1637.

The next great case to which we shall call the reader's attention, is that of Prynne, Bastwick, and Burton. But in order to understand Bastwick's case, we must here relate an enormity of the High Commission in regard to him some years before. One Short, a papist, had published a work in support of his religion, and Bastwick, a physician, answered it in Latin, (a language which he is admitted on all hands to have written elegantly †,) entitled, *Elenchus Papismi et Flagellum Episcoporum*. The language in which it was written was a sufficient security against its alleged tendency to affect the great body of the people; and as the publication confuted the Romish doctrine, it would, in another age, have obtained for its author both character and reward. But the times were altered. His argument necessarily led him to assert the royal supremacy, which, though admitted by law, was denied by the prelates, and even by the king himself; and the act was not to be forgiven. He was called into the Court of High Commission, as

* Rush. vol. ii. p. 271.

† Clar. vol. i. p. 199. Straf. et. Land Disp. vol. ii. p. 57.

for an attack upon the English bishops; and, in spite of his defence that he intended nothing against them, but had directed all his reasoning against the Romish prelacy, he was condemned in a fine of L.1000; to be debarred his practice of physic; to be excommunicated; and to be imprisoned till he made a recantation. His work too was ordained to be burned. On the other hand, one Chowney, a fierce papist, had written a book in defence of the Romish religion; and, as he dedicated it to Laud, so that arch-prelate patronized it. At this *censure* of Bastwick, all the bishops openly denied that they held their jurisdiction from the king, as well as disavowed their dependence on the throne; and the archbishop supported Chowney's book, maintaining that the Romish church was a true church, and erred not in fundamentals: "And," says Whitelocke, from whom we have taken the above, "somewhat was noted to pass from him and other bishops in defaming the holy Scriptures; and Calvin was very much slighted and abused by them." "I cannot," continues he, with that scrupulosity which becomes every writer whose object is to convey the exact truth, and to preclude the possibility of mistake, — "*I cannot precisely aver all this, though I heard the most of it, as it is here set down: and heard the rest of it to this purpose, from those who were present at the debating of those matters in the High Commission Court *.*"

* Whitelocke, p. 22.

The fine upon Bastwick swallowed up his whole property : As he scorned to comply with the condition which his conscience disapproved of, that of recanting his doctrine, he lay in jail hopeless of release ; and had he even regained his liberty, he had no way of obtaining a livelihood for himself, his wife, and children, since he was debarred the very practice of his profession. Under such accumulated oppression and misery, human patience fails, and he published a defence of himself, and an acrimonious attack upon his persecutors. The book contained much truth, and brought the usurpations, and more than lordly pride, of the bishops strikingly into view. But who can read the following passage from the work, without pity ? “ What is cruelty if this be not ? To keep a poor man close prisoner a year and a half, to the starving of him and his, and that only for writing a book in defence of that religion that is established by public authority and to the honour of the king, and the glory of his majesty against papal usurpation, provoked thereunto by an adversary of both ? ” He then mentions that his “ wife, at this time, was great with child and ready to lie down, not knowing where to get a place to put her head in *.” For this publication he was summoned into the Star-chamber.

Burton, a divine, had at one period been a chaplain at court, but, as he was not fitted for that region, he had been expelled for what was

* See his Litany.

denominated factious conduct. He had plagued the high party by exposing their innovations, &c. for which he had suffered imprisonment from the Court of High Commission; and indeed had only been saved from ruin in that court by a prohibition*. Two sermons, &c. now afforded the ground of charge; and for these he had already been suspended by the High Commissioners†. His parishioners in London, immediately upon his apprehension, sent a petition to the king for his pardon and liberty; but the two individuals who were deputed to present it were committed to prison‡.

The indefatigable Prynne had eluded the prohibition of pen, ink, and paper, (as we hear of no proceedings on this account against the jailor, we may infer that it was connived at,) and published some fresh works in defence of his principles and against the writings of Heylin.

The judges were consulted whether two of these individuals, Bastwick and Burton, could be convicted of high treason, but their opinion being unfavourable, the three were accused by information in the Star Chamber of writing and publishing seditious, schismatical, and libellous books against the hierarchy, and to the scandal of the

* Heylin's *Life of Laud*, p. 155, 329. *Cant's Doome*, p. 507, *et seq.*

† See the substance of his two sermons, with his appeal, &c. It has been the practice to hold up these preachers as equally bigoted and unlettered; but whoever reads these, will confess that Burton was, both in learning and acuteness, at least a match for his antagonists. It was his ability in exposing the innovations that so inflamed his enemies.

‡ *Straf. Let. and Disp.* vol. ii. p. 57.

government. They prepared their answers, but when they applied to counsel to sign them, the counsel, afraid, as the prisoners asserted, of drawing upon themselves the censure of the court, refused the duty. On the other hand it was alleged, that counsel declined the task from the improper nature of the defence*: But the real evidence arising out of all the facts refutes that allegation. The defendants prayed that they might themselves be permitted, according to ancient precedents, to subscribe their own answers: But they were informed that if the answers were not signed by counsel, they could not be received, and that themselves should be held as confessed. To such a height did this court proceed, that Prynne's clerk was persecuted for following his master's business, and the very one who, with the consent of the lieutenant, wrote a petition, dictated by Prynne, to be allowed to sign his own answer, was seized by a pursuivant, and molested many weeks†. The prisoners applied for counsel, since none would volunteer to act for them, and they were assigned. But when one of those counsel, Mr. Holt, had, by direction of the court, taken his fee from Prynne, and drawn his answer, which he had ordered to be engrossed, he was privately

* Rush. vol. ii. p. 324. Holt alleged this himself, but see Prynne's answer to him.

† Prynne's Trial of Laud, p. 111. "What meaneth," said Burton before his trial, "that consternation of spirit amongst lawyers, that few or none can be found to plead a cause, be it ever so just, against an oppressing prelate, and are either menaced or imprisoned if they do it?" See his Appeal, p. 29. Ed. 1636.

commanded by the archbishop not to subscribe it; and excused himself to his client, by alleging that he durst not sign it for a hundred pieces. Mr. Tomlins, another of Prynne's counsel, however, had the spirit to discharge his duty; but the court rejected the answer altogether, pretending that it came too late, and the defendant was taken as confessed for an alleged contemptuous refusal to answer. Burton's answer was drawn, engrossed, and subscribed by Holt, and received at the office without exception; but, after nine days, Laud having read it, declared it to be scandalous, and forthwith referred it to the two chief justices, Bramston and Finch, who, without suffering his counsel to be heard in its defence, expunged the whole, except three lines at the beginning, and two at the end, amounting in substance to the plea of not guilty. Nay, Finch threatened Holt with pulling his gown over his ears for performing his duty in the business. Burton was asked to swear to the defence as it stood, and answer interrogatories, whereas he admitted and justified all he had written, and he was likewise held as confessed. Bastwick's, which was the most objectionable, was rejected at the office. That these individuals were disposed to express themselves intemperately in their defences may be admitted. But the tyranny of the government, and the unjustness of the charge generally against them, in regard to the nature of their answers, and the refusal of counsel to sign them, presents itself in the proceedings against the great lawyer Mr. St. John. A suspicion having been entertained

that he had assisted in drawing the answers, a pursuivant was sent to search his study for evidence against him. The defendants tendered a cross-bill, in which they offered to prove the innovations, &c. but though twice tendered, it was refused, while the judges were consulted whether they might not be tried for their lives in the King's Bench for tendering it. But the judges gave it as their opinion, that as it was a pleading legally tendered, it could not be the ground of a prosecution.

The court fined each L.5000, condemned them to the pillory, and adjudged Bastwick and Burton to lose their ears: Prynne had lost his already, but he was now sentenced to lose the remainder, (which had been spared by the hangman through some remissness in his duty—a circumstance which drew taunting remarks from the court,) and to be stigmatized on both cheeks, S. L. for seditious libeller. All three were likewise doomed to close imprisonment for their lives, without access of kindred or friends, and without books, pens, ink, and paper*.

The sentence was executed in the most savage manner, the hangman rather sawing than cutting off the remainder of Prynne's ears, and taking part of the cheek with them. At the place of

* Though the hangman had had some compassion in him on the first occasion, Prynne's enemies had none. "No mercy shewed to Mr. Prynne," writes the Rev. Mr. Garrard to Wentworth; "he stood in the pillory, and lost his first ear in a pillory in the palace at Westminster, in full term; his other in Cheapside; where, while he stood, *his volumes were burnt under his nose, which had almost suffocated him.*" This was no part of his sentence. Straf. Let. and Disp. vol. i. p. 261. Let. dated June 3, 1634.

execution these miserable wretches embraced the last opportunity which their enemies had resolved they should ever have to address the bye-standers (who all sympathized in their affliction) upon the late innovations, and the injustice of their sentence *: And the remorseless Laud moved his brother servants of the crown to join him in imposing farther punishment †. But, though he was not to be glutted with vengeance, they were; and they told him that the ravings of men in agony were beneath his notice. Laud, finding he was not supported, had no other resource than complaint to Wentworth, in more than one letter, against the tolerance to those wretches, and the respect they met with, saying, that though “*a little more quickness in the government would cure this itch of libelling, and something more that is amiss besides, truly he had done expecting of thorough.*” Wentworth perfectly agreed with the ecclesiastic, but he did not know how to help the evil, till he saw the *good* as resolute in their good, as we daily observe the bad to be in their evil ways, *which*” says he, “*God of his grace infuse into us, for such are the feeble and faint motions of human frailty, I do not expect it thence.*” “The remedy for

* Rush. vol. ii. p. 380, *et seq.* Howel's State Trials. Prynne's Trial of Laud. Straf. Let. and Disp. vol. ii. p. 85. This reverend correspondent of Wentworth tells us, “that the place of execution was full of people, who cried and howled terribly, especially when Burton was cropt.” “Dr. Bastwick was very merry; his wife, Dr. Pool's daughter, got a stool and kissed him: his ears being cut off, she called for them, and put them in a clean handkerchief, and carried them away with her.” Whitelocke, p. 26.

† Prynne against Prelates, p. 44, *et seq.*

such a grievous and overspreading leprosy," says he in another letter, "is not fitted for the hand of every physician; the cure under God must be wrought by *one Esculapius alone*, and that in my weak judgment to be effected rather by corrosives than lenitives; less than *thorough* will not overcome it. There is a cancerous malignity in it, which must be cut forth, which long since rejected all other means, and therefore to God and *him* I leave it*." There can be little question regarding the identity of the Esculapius, Laud himself, and thus these men encouraged each other to acts of cruelty, canting about public spirit, goodness, and religion, while they were under the dominion of the blackest passions, and were sapping the very foundations of every social institution.

To return to Prynne, Bastwick, and Burton: They were sent to remote prisons, and latterly to different islands, one to Guernsey, another to Jersey, and the third to Scilly: and so rigorously was the order about the exclusion of friends enforced, that Bastwick and Burton's wives were not even permitted to set foot on the islands where they were. Plundered of all their property too, and allowed nothing to subsist on by the government, they were obliged to depend upon charitable contributions for support. And it may be questioned whether their friends were safe in this act of benevolence. For some individuals of Chester, who had visited Prynne in his way to Carnarvon-castle, were prosecuted by the High Commission; their

The Chester men.

* Straf. Let. and Disp. vol. ii. p. 99, *et seq.* 104, 119, 131, 136.

houses were broken into, and ransacked by pursuivants, themselves fined of large sums, and obliged to make an acknowledgement of their offences, both in the cathedral and town-hall of Chester. A painter of Chester too, for drawing Prynne, was persecuted, and all his pictures ordered to be burned by the High Commission. Nay Prynne's ^{Prynne's clerk, or servant.} servant, whom Laud had detained a prisoner, for having withstood all threats and promises to accuse his master, was indicted in the High Commission, and because he refused to take the *ex officio* oath to answer interrogatories *before he had seen the articles against him*, was held as confessed to those very articles, excommunicated, fined L.1000, and condemned to the costs of suit, though there was no prosecutor, committed close prisoner to the Counter, and afterwards sent to Wesbeck castle*.

Laud at the trial of Prynne, Bastwick, and Burton, made a long speech in defence of his ecclesiastical government; but though he had himself urged on the prosecution, and keenly and contrary to every principle of justice, interfered at every step, nay thanked the court for the sentence, he affected to have too much delicacy to give judgment, as the business had some reflections on himself! He afterwards, too, set up the defence at his own trial, that the sentence was the court's, not his. Not content with publishing the speech he made on the occasion, he got all the lecturers and preachers in the city to express

* Prynne against Prelates. MS. No. 943. Lamb. Lib. p. 559. Straf. Let. and Disp. vol. ii. p. 115.

their abhorrence of the crimes for which these men had been condemned: and so well was the injunction obeyed, that for many days the churches resounded with the bitterest invective *.

In his speech Laud defended the innovations, which he denied to be such, with truly jesuitical dexterity. But his language, considering how he complained of that used by his adversaries, ill became his place: “ ’Tis superstition, now a-days,” says he, “ for any man to come with more reverence into a church than a tinker and his bitch come into an ale-house. The comparison is homely; but my just indignation at the *prophaneness of the times*, makes me speak it.” The clergy, following up their plea of divine right, insisted that they were entitled to keep courts and issue out process in their own names, without a patent from the crown; and Charles, who clung to the clergy as a support to the throne, gratified their wish. Prynne and the rest had attacked this as illegal; and Laud, in a letter to the king, as a preface to the publication of his speech, “ humbly, in the church’s name, desires of his majesty, that it may be resolved by all the reverend judges of England, and then published by his majesty, that their” (the clergy’s) “ keeping courts and issuing process in their own names, are not against law.” This was a truly compendious way of settling the law: But he attained his object. The servile judges, in obedience to his majesty’s commands, resolved that a statute of the 1st of the late king, abrogating one passed in the reign of Queen Mary, which

* Heylin’s Life of Laud, p. 334. Prynne against Prelates.

again annulled one of king Edward's, was not obligatory, as having been cunningly inserted by the puritan party*. Laud farther, in this letter, magnifies the royal clemency in sparing the lives of Prynne and the others, and then makes this notable observation. "Yet this I shall be bold to say, and your majesty may consider of it in your wisdom, that one way of government is not always fit or safe, when the humours of the people are in a continual change. Especially when such men as these shall work upon your people, and labour to inspire into them such malignant principles, to introduce a parity in the church and commonwealth †."

* Rymer, tom. xx. p. 143, 168. Rush. vol. ii. p. 450, 451. Heylin's Life of Laud, p. 341—3. Of itself, the fact of their issuing out process in their own name was of no importance whatever. But the principle on which they arrogated it was: they contended for a divine right, and wished to be exempted from the controul of the temporal courts, instead of pretending to act by authority delegated from the sovereign or state. "They labour," says Burton, "by all means possible to maintain this their absolute and independent jurisdiction, as no way depending on the king; and, namely, by stopping the ordinary course of the law, that the king's people may be cut off from all benefit of the king's good laws, and of their native ancient liberties; so as it is become very geason and a rare matter to obtain a prohibition against their illegal practices, in vexing and oppressing the king's good subjects; nay, they are grown so formidable of late, (as if they were some new generation of giants,) that the very mention of a prohibition against a prelate makes the courts of justice startle." *For God and the King*, p. 70. When Prynne brought a prohibition, Laud, in a great passion, declared he would lay the next that dared to bring one by the heels, p. 54. This prelate applied to the king to have prohibitions restrained. *Cant's Doome*, p. 369. See Rymer, tom. xx. p. 190. MSS. Lambeth, No. 943, p. 571.

† See his Let. and Speech. Laud was charged with worshipping the altar. He denied it, and uses the following words! "You, my

The grand object of the high clergy was ever to persuade the king that *their* enemies were *his*. But when we examine their productions, we discover that they measured all things by the stand-

honourable lords of the Garter, in your great solemnity, you do your reverence to Almighty God, I doubt not; but yet it is *versus altare*, towards his altar, as the greatest place of God's residence upon earth. I say the greatest, nay greater than the pulpit; for there it is *hoc est corpus meum*, this is my body: but, in the pulpit, it is at most but *hoc est verbum meum*, this is my word. And a greater reverence, no doubt, is due to the *body* than to the word of our Lord. And so, in relation, answerably to the throne, *where his body is usually present*, than to the seat whence his word useth to be proclaimed." He farther says, "you are bound by your oath to give due honour and reverence '*domino deo, et altari ejus in modum virorum ecclesiasticorum*;' that is, to the Lord your God, and to his altar; (for there is a reverence due to that too, though such as comes far short of divine worship,) and that in the manner as ecclesiastical persons *both worship and do reverence*."

Laud was full of cunning; his most popular arguments to persuade obedience, to have the communion-table converted into an altar, were, "that should it be permitted to stand as before it did, churchwardens would keep their accounts on it, parishioners would dispute the parish business at it; schoolmasters would teach boys to write upon it; the boys would lay their hats, satchels, and books upon it; many would sit and lean irreverently against it in sermon-time; the dogs would — upon it and defile it; glaziers would knock it full of nail-holes." Heylin's *Life of Laud*, p. 289. It is amusing to hear the extravagant praises that are vented generally upon every head of a party. Laud's speech was a very poor thing, yet Heylin talks of this Demosthenes, &c. In like manner, Hacket ever speaks of Williams as a miracle in nature, and tells us that he never studied any thing more than his funeral oration over James, which, though pregnant with learning, is absolute childishness. It is likewise full of the most impious flattery. In speaking of how James, on his death-bed, commended various people to his son's love, he particularizes "*that disciple of his whom he so loved*," meaning Buckingham, p. 68. Ed. 1625. Considering the treatment Prynne met with, he must have been something more or less than man, not to have felt resentment. Yet Wharton and others dwell with rancour upon his malice towards Laud. Language seems to fail this writer in his panegyric on that divine. See his introduction to Laud's history.

ard of church-government, which they conceived necessary for their own exaltation. The informations charged the defendants with sedition to the king; and in the address referred to above, Laud tries to infuse a fear of change into his majesty's breast; but, in his diary, he candidly says that "Prynne, Bastwick, and Burton, were censured for their libels against the hierarchy of the church."

John Lilburn, and John Wharton, were charged with having unlawfully printed and published Burton's pamphlet, entitled "News from Ipswich;" and an oath was tendered to them to answer interrogatories: But Lilburn declared that no free-born Englishman ought to take such an oath—hence he was ever after called free-born John—and in spite of assurances of pardon upon compliance, both he and Wharton resolutely resisted such an illegal proceeding. Upon this they were remanded to prison till they should conform themselves to the order of the court, fined L.500 each, and ordered not to be liberated without security for good behaviour. In addition to this, Lilburn, for his undaunted defence of the rights of Englishmen, was ordered to be whipt through the streets, and set in the pillory. The punishment was inflicted with the utmost severity; but Lilburn's spirit was not to be subdued. While in the pillory he inveighed bitterly against the tyranny of the bishops, &c. and scattered some pamphlets, which the ruling party pronounced seditious. The court of Star Chamber happened to be sitting at the time, and, having heard of this,

Lilburn and
Wharton's
case,

transmitted an order to gag him during the remainder of his punishment. When, however, he could no longer speak, he stamp'd with his foot; and an investigation was immediately instituted to discover fresh matter against him in the pamphlets he had cast abroad, while, for his conduct in the pillory, he was, by order of the court, loaded with double irons, confined in the most unwholesome part of the jail, with the basest and meanest prisoners; and his conduct, on every visit of a friend, strictly watched, that information might instantly be conveyed to the Board of what passed on such occasions. An order was, at the same time, issued to search the pockets of future sufferers, and to bind their hands*.

Bowyer's
case.

One Bowyer, for alleging that Laud held a correspondence with the Pope, &c. was fined L.3000, condemned to stand repeatedly in the pillory, and have his forehead branded, his ears nailed to the pillory, to make submissions, and to be confined to hard labour in bridewell for life†.

Case of
Williams,
bishop of
Lincoln.

We need not proceed farther with instances of the tyranny and cruel proceedings of this court, except to give the case of Williams, bishop of Lincoln, formerly lord keeper. Prosecutions for buildings on new foundations in the city of London, as well as for residence there, have already been mentioned: There were severe fines imposed

* Rush. vol. ii. p. 463, *et seq.* State Trials. Rush. vol. iii. ; App. p. 64. Straf. Let. and Disp. vol. ii.

† Id. p. 467. Rush. vol. iii. App. p. 64.

for disobeying proclamations about selling of corn, transporting wool, &c. ; for words spoken of peers, &c.* : but the case of Lincoln, though not the most odious in some respects, nor yet the most cruel, affords, perhaps, the best specimen of the corruption and baseness of the governors at this period, and therefore we shall recount it at some length.

Williams has been represented as having latterly inclined to the popular side, but at no period of his life could he be justly charged with any disposition to become an advocate of public liberty. It

* One Yoemans, and another Wright, were fined 5000 marks a-piece, imprisoned, &c. "*for false and corrupt dyeing of silks.*" One Sampson L.100, &c.—Rush. vol. iii. App. p. 25, 30. Savage was committed, and fined L.2000 to the king, and L.3000 to Lord Falkland, Weldon also committed, and fined L.1000 ; and Burton, L.500, for slandering that nobleman in regard to his conduct in Ireland. They complained of injustice to the council, &c. p. 36. One Archer fined for hoarding corn, pilloried, &c. p. 38. One Grenville was fined L.4000, and assessed in L.4000 of damages to the Earl of Suffolk, for saying of him that he was a base lord ; committed to the Fleet during his majesty's pleasure, p. 43. Favers, a clergyman, was committed to the Fleet, fined L.1000, assessed in damages to the party L.250, &c. Frost was committed to the Fleet during his majesty's pleasure, bound to his good behaviour, pilloried, &c. Katherine Bampton was whipt, committed to the house of correction, &c. for a conspiracy, in imputing incontinency, by this Katherine, to the Rev. Dr. Paterson, p. 47. Fowkes was fined L.1000, and L.200 to the informer, committed to the Fleet, for not furnishing a market with corn according to a proclamation, p. 58. Pettager was fined L.200, assessed to the Earl of Kingston L.2000, sentenced to be whipt, for calling him base lord, p. 72. Sandford, Bills, Web, Rowland, and Shipwright, were all committed to the Fleet, and fined partly for transporting wool contrary to proclamation, p. 69. The fine of L.10,000 upon Morley was perhaps excessive, but his case seems to have been a bad one : He had not only reviled and challenged, but struck Sir George Theobald within the palace. Id. vol. ii. p. 270.

is true, that he did object to some of Laud's innovations, as well as to the violence generally pursued in ecclesiastical affairs, and disapproved of certain arbitrary measures which seemed to shake the stability of the throne. But he, at the same time, supported doctrines which promoted the power and pretensions of the clergy, and evinced himself always no unsteady friend to the prerogative of the prince. Even at the university he was remarked for his high-church principles, and, on that account, was as much favoured by one party as hated by the other. Archbishop Bancroft himself, who was regarded by the court faction as the pillar of orthodoxy, did not even then deem him unworthy of notice*. His character early procured him an opportunity of preaching before the late king, and, though he did not immediately reap the fruits of the royal grace, he was so fortunate as to please the monarch. Soon after, he filled the office of chaplain to Chancellor Egerton,—a situation calculated to bring him into publicity, and where he boasted to have acquired his political knowledge. On the death of Egerton, he was offered the same office in the family of Bacon, who succeeded to the seals, but his disappointment hitherto in court preferment had so dampt his hopes, that he had resolved to abandon a public life, and retire to his cure; and, therefore, while he expressed a proper sense of obligation for the offer,

* Hacket, Part i. p. 9, 17, 21, 69, 70, 81, 86, 97.; ii. p. 87, 89. Great Britain's Salomon, p. 70, 71.

he declined it. At this critical moment James nominated him one of his chaplains, and thus brought him fairly within the pale of the court. Here he soon perceived that his chance of success depended on the countenance of Buckingham, who had lately got into the office of favourite: yet dreading the inconstancy of that minion's temper, but much more the mutability of his fortune, and remembering that the creature, in the event of the patron's adversity, is expected to share his fortune, he abstained from applying to the only source of great preferment. This was observed by James, who, as he liked the man, yet durst not promote him without the approbation of his own servant, advised him to enlist himself in the train of Buckingham. Williams no longer declined the road to greatness, and having once taken that important step, he determined not to waste his talents in inactivity: and his patron's intrigue with the Earl of Rutland's daughter, whom he married, afforded the divine a field for the exercise of his talents in reconciling the family. The service deserved reward; and he may be said to have created the occasion of his own advancement. Notwithstanding Bacon's friendship and proffered kindness, it was by the advice of this ecclesiastic that the philosopher was exposed a victim to public justice: and the advice flowed from no patriotic cause, but avowedly from the idea of screening the favourite, who was under terrible apprehensions for his own safety, and whose brother had deeply participated

in the wages of iniquity. Williams succeeded to Bacon's place*.

At this time he stood so well with his patron and the king, that he obtained a promise of the highest dignity in the church on the first vacancy. But the death of the present incumbent might be distant, and therefore he soon tried to create the occasion he so ardently desired. Abbot, then Archbishop of Canterbury, had the misfortune to wound Lord Zouch's game-keeper with an arrow from his cross-bow, as he was shooting deer, and the wound, which was not mortal in itself, proved so through the unskilfulness of the surgeon. As the circumstance was purely accidental, and deeply deplored by Abbot himself, he was an object of pity rather than of censure. But Williams, transported with the prospect of obtaining his place, laboured for his deprivation, representing, in a letter to Buckingham that a man defiled with blood, however innocently, was by the canon law disqualified to approach the altar, and that he had, *ipso jure*, forfeited not only his office, but his moveables to the crown. All this was cruel and unjust; but it required no common degree of effrontery for the writer to insinuate his own pretensions in that very letter, while he pretended to be guided solely by a painful sense of duty. Luckily, however, for Abbot, he had one staunch friend amongst the lay members of the commission, to which the matter

* Hacket, Part i. p. 19, 24, 31, 39, 40, 49, *et seq.*

was referred for inquiry, Sir Henry Martin, at that time dean of the Arches, and afterwards judge of the prerogative court, who was moved by gratitude to him for his advancement; and Williams had a powerful enemy in Andrews, bishop of Winchester, who had himself looked forward to the primacy, and saved the accused, to prevent such a successor as Williams. Laud at first joined the lord keeper against the primate; but, as he soon found it convenient to attempt the ruin of his benefactor, Williams, as his own rival, he changed his tone. If Abbot had been deposed, Williams was sure of succeeding him; and while a vacancy in the nature of things might soon be expected in the present incumbent's place, leisure would be gained for supplanting the expectant*.

As Buckingham dreaded any man's continuance in a place of greatness, there was a perpetual change at court. Williams had kept his ground longer than any; but he was doomed at last to sink under the superior dexterity in intrigue, or the later introduction of Laud. The favourite was alarmed at the monarch's good opinion of Williams, and was offended at a supposed want of due obedience to himself on the part of his creature in not sufficiently attending to his instructions in the decision of causes in chancery. Such was the unblushing profligacy of the age in judicial matters, that Buck-

* Hacket, Part i. p. 65, 66, 68. Heylin's Life of Laud, p. 86. *et seq.* Cabala, 4to. Ed. 1655. p. 55.

ingham's servants used to beset the court of chancery for the purpose of overawing the judge to determine causes in favour of their master's suitors, from whom they openly received bribes. Besides, Laud, amongst others, was ever ready to meet the favourite's ear with a tale against the man to whom he had vowed a life of gratitude; and Williams, though generally abject to the last extremity, permitted his natural presumption at times to burst the bounds of the unqualified submission exacted of him.

No sooner did the watchful eye of Laud perceive the alienation of the favourite from Williams, which was for a long time after unsuspected by the public, than, to borrow the language of Hacket "he shunned him, as the old Romans, in their superstition, walked aloof from that soil which was blasted with thunder*."

The expedition to Spain, and the match, afforded scope for Laud's talents, while there is reason to suspect that Williams really was trying to raise himself upon his patron's ruin. Laud was now flattered with the prospect of the primacy; but as Williams assiduously laboured to recover his ground, such a restless jealousy tormented his rival, that his dreams, which he faithfully recorded, bespoke the visions that occupied his waking thoughts. He "dreamt that the lord keeper was dead; that he passed by one of his men that was about a monument for him," &c.; and he interpreted it into "dead in

* Hacket, Part i. p. 107—8.

the duke's affections *." The service rendered by the keeper, both to the duke and Charles, in detecting the plot of the Spanish ambassador, appeared to recover his patron's affection; but the wound still festered; and a succession of circumstances, together with the insidious arts of Laud, seemed to render it incurable. Williams, after the accession of Charles, was divested of his office as lord keeper, and driven from court; and though the king afterwards flattered him with promises, he failed in his word, and allowed temporary kindness to be followed with the most rancorous hate. With Buckingham he was more successful; for, as he continued to ply him with the most abject professions, he, just before that individual's death, effected a reconciliation. Laud's fear of such an event may be conceived from the following passage in his diary. Thus, "January 13th, Saturday," (1627,) "The Bishop of Lincoln desired reconciliation with the Duke of Buckingham, &c. January 14th, Tuesday, towards morning, I dreamed that the Bishop of Lincoln came, I knew not whither, with iron chains; but, returning loosed from them, leapt on horse-back and went away, neither could I overtake him †."

* See his Diary for December 14th and 15th, 1523, *et passim*.

† He records another dream, on the 16th, (January 1627,) importing that he thought the king appeared displeased with him, and on the following day he also records a hit against Williams. He gives another dream on the 27th March, in which a Sir George Wright, deceased, whose executor he was, appeared to him, and whispered in his ear that I, (we shall give the very words,) "I was the cause why the Bishop of Lincoln was not admitted into favour and to court."

The jealousy which rankled in the breast of Laud, and haunted his sleep, was augmented by Williams's attempt at reconciliation with the duke, though Buckingham's untimely death prevented him from deriving benefit from it, and nothing short of his rival's ruin could still his restless fears. Wentworth now joined him in hunting down Williams. He, like Laud, had courted that prelate; but, while he was ready to gain the favour of his coadjutor, by entering keenly into all his views and quarrels, he had himself a cause of chagrin. He had been brought forward by Weston, and Williams, who had likewise sounded him, boasting of what there is no reason to believe he could have accomplished, had proposed to Weston to seduce no less a man than Sir John Elliott himself to the side of prerogative; and as Weston was highly pleased with the idea, Wentworth, who formed his estimate of others from his own feelings, did not hesitate to attribute the same unprincipled ambition to Elliott of which himself had been guilty,

Hacket's *Life of Laud*, Part i. p. 107-8, 202, 208. Part ii. p. 4, 5, 18, 19, 20, 62, 64-7, 70, 80, 85. When Buckingham was reconciled to Williams, it was agreed between them that they should keep up a seeming enmity, that the prelate might render him greater service in the parliament. The reconciliation occurred after the prorogation of the third parliament, and in this way, the favourite had promised himself good support in Williams. But it is a very singular fact, that Laud stirred the ground of prosecution at that very time! P. 80. Heylin's *Life of Laud*, p. 113, 116-17, 139, 140, 172. This writer tells us, that Williams had still good friends about the court. Rush. vol. i. p. 198. But the collector had been misled by the stories industriously circulated against Williams, p. 426. Whitelocke, p. 8.

and therefore justly dreaded his being taken into favour, since his abilities were transcendent, and since, to cover his apostacy, self-defence would oblige him to exert them all on the side of the prerogative. The fear of a rival discharged itself in fury against the individual who had offered to introduce one : nor did it receive much mitigation by the death of Elliott, as the same spirit which had instigated the prelate to propose that parliamentary leader, might raise up another rival *.

To blast his character with the king, numberless stories were invented against him, untraceable in their origin, but commonly representing him as a favourer of puritans, and an advocate of popular rights. He is also alleged to have said, that he had as good a title to his deanery of Westminster as the king to his crown ; and though Charles encouraged the hierarchy to assert a divine right, &c. he considered this a monstrous offence, and lent a greedy ear to slanderous tales against Williams ; because, instead of excluding himself from society while under the wrath of his sovereign, and being deserted by men of eminence, he lived munificently, and was greatly resorted to. Before his fall, he was odious for his pride and attachments, but the exertions of his adversaries brought him popularity ; nor is it improbable that, though he unceasingly laboured to remove the unfavourable impressions from the breast of his master, he was not

* Hacket's Life of Williams, Part ii. p. 17, 67, 82, 83.

secretly displeased with the public esteem which promised to raise him again to a place under the crown. For, should a parliament be summoned, it would be necessary to sooth the people by the employment of some popular men, and none was so likely to be chosen as the individual whose principles were known by many at court. But this must have augmented the jealousy of Laud, who, with Wentworth, recoiled with conscious guilt from the idea of a parliament, and therefore dreaded the approach to the throne of any one likely to recommend it. Williams was ordered not to remain about Westminster. Nor was Laud's jealousy unfounded: some misunderstanding arose betwixt him and Weston; and the latter immediately took measures for co-leaguings with Williams. Whether this was discovered by Laud, is uncertain. But his fears were never quiet. Even, in 1633, he dreamt, at Alnwick, "that Lord Lincoln came and offered to sit above him at the council table, and that Lord Holland placed him there*."

* Diary. Hacket's Life of Williams, Part i. p. 54. ii. p. 20, 25-7, 62. He always ascribed his ill usage to the acts of his enemies, and declared, that could he only get access to the king's ear for half an hour, he would remove every unfavourable impression, p. 64. P. 89. He was the only bishop not invited to the christening of the young Prince Charles, (II.) and he took it much to heart, though he felt one comfort in being absent, that he could not have joined in Laud's prayer, which was recommended to all the parish churches—a prayer wherein that bishop said, "Double his father's graces, O Lord, upon him, *if it be possible*." Williams justly calls this "three-piled flattery and loathsome divinity," &c. P. 96. Clarendon, vol. i. p. 96—7.

When men in power are bent on oppressing an individual, it is not difficult to find a pretext; and a most extraordinary one was employed against Williams. Charles had consulted that prelate about the best method of recovering the affections of his subjects, and Williams advised to shew some indulgence to the Puritans, a numerous body, and even to allure the chief of them with dignified livings in the church. The king approved of the advice, and promised to follow it; whence the other, about two months afterwards, having occasion to regulate his own courts at Leicester, assigned to Sir John Lamb and Dr. Sibthorp, as the cause of some indulgence to the puritan party, that it was not his own pleasure only, but that of his majesty likewise. The communication was not only uncensurable, but necessary, as the object could not be accomplished without it. But these two worthies, who had been both, the first in particular, deeply indebted to Williams, had marked the revolution of the times, and having perceived that their fortunes depended more on the ruin than the preservation of their benefactor (Williams had determined to give a place which Lamb wished himself to another person, and prevented his extortions,) posted off with what they justly deemed welcome intelligence to Laud. He, grasping at the opportunity of destroying his rival, ran with the news to the king, and with him formed a resolution to have Williams prosecuted in the Star Chamber, for revealing his majesty's secrets, contrary to his duty

as a privy councillor. But it is not wonderful that Laud should have been exasperated against Williams at this time, as the reconciliation with Buckingham had just been effected.

When the information against Williams was first referred to the council, it was instantly rejected; and a second attempt shared a similar fate. Charles then promised to drop it; but Laud, whose enmity suffered no abatement, and whose power in the council daily increased, was not to be driven from his purpose. He prevailed with the king to break his word; and again, with more success, recurred to the charge. Williams had now the meanness to make a submission to his adversary; but, as nothing could remove the fears, it was vain to expect to overcome the hatred of that powerful ecclesiastic*.

* Hacket, Part ii. p. 43, 62, 80, 89, 90, 114, 115. This writer details in the above, repeated instances of the king's failure in his word. Rush. vol. i. p. 401, 402. Whitelocke, p. 238, 239. Heylin tells us that the "words," (those used to Lamb, for which Williams was prosecuted) "though unadvisedly spoken, yet were not thought when first spoken to be of such a dangerous and malignant nature as to create to him all that charge and trouble, which afterwards befel him on that occasion;" and that "the information," by Lamb, "was laid hold on as a means to humble the prelate, to make him sensible of his own duty, and the king's displeasure, p. 172. Yet in p. 267, he, with his usual inconsistency, speaks of the matter as a most aggravated one.

Sibthorp was the person who maintained in the pulpit the right of kings to take their subjects' money at will, and reign as they pleased. Sir John Lamb was the individual whose words are always quoted against the puritans: "That to the world they seemed to be such as would not swear, whore, or be drunk; but they would lie, cozen, and deceive. That they would frequently hear two sermons a-day, and re-

Laud's hatred had another motive besides mere jealousy, though jealousy was mixed even with that. Williams had objected to certain innovations in the worship, and the other's pride was wounded. Sometime previous to the proceedings now detailed, he had written a letter to the vicar of Grantham, which fell within his diocese, about

peat them too, and that sometimes they would fast all day long."—Now that bad men will affect piety, &c. is a fact too evident to be doubted; and that there is always some ground for suspicion against those who are righteous over much, is likewise true; but when it is considered that the bulk of the nation were branded with puritanism, we could not pay much regard to such a picture from any quarter; but if the accuser have an interest to oppress the party accused, for the purpose of extortion, as was Lamb's case, and he be a person of the worst character, we must reject it with disdain. Now Lamb is described as "a creature of dark practices, the most hated of all that trod the earth in the county of Northampton, where he dwelt." He had been originally a schoolmaster, but having afterwards become a proctor, he was made dean of the Arches;—an office in which he had been branded with many crimes, under the hands of all the justices and gentry, in a manner, in the shire, and in two several bills to be presented to the parliaments 1621 and 1624. What followed? "This person," (Williams) says Hacket, "whose throat he went about to cut, brought him off from his troubles, dubbed him a doctor and a knight, settled him in his former offices, and got him more, for which I confess he got no good name to himself. Lamb marked the revolution of the times, saw the bishop discarded, and observed that he might pluck himself better fortune sooner by being his enemy than his friend:—an ungrateful creature in the old time was held to be a monster; now-a-days none shall sooner be taken into play to be a state minister. Ingratitude is Sir John Lamb's badge; perfidiousness both his and Sibthorp's." *Life of Williams*, Part i. p. 36, 7. ii. p. 98, 112, 113. It is remarkable that depravity generally imputes its own qualities to others. This very individual, who speaks so harshly of the puritans, was himself of a "stoical gravity." *Id.* Part i. p. 37. See also Cant's Doome regarding Lamb. He was a great persecutor.

the position of the communion-table, which had been placed altarwise by the vicar, and, though it had not been deemed prudent to dispute the doctrine at the period of publication, the present was conceived to be a fit season; and accordingly Dr. Heylin, the great favourite of Laud, a man "not fortunate in the opinion of the times," undertook the task. "His work, entitled 'A Coal from the Altar,' was written," says Hacket, "in order that Williams might be posted about every gate in London as a dastard, or, if he replied, that then they might pull him to the stake and worry him in the Star-chamber, where he was already struggling for life; in which fatal conjuncture the king must be told that *he was an enemy to the piety of the times and the good work in hand.*" The bishop determined to hazard the last, rather than the first, and his answer had the anticipated effect in farther inflaming the monarch, and giving a new spring to the prosecution*.

The basest tools are necessary for the execution of that vengeance which must assume the colour of justice, and Laud, his creature Secretary Windebanke, and Sir John Lamb, discovered an instrument wonderfully calculated for their purpose. This was one Kilvert, notorious for the depravity of his habits, but who, having given an earnest of his abilities in a former case, was, with confidence of success, let loose upon Williams, that he might hunt him to destruction. "This fellow," says

* Hacket's Life of Williams, Part ii. p. 99, 100.

Hacket, “interloping into the prosecution, disturbed it in every point of the proceeding, and left not one rule or practice of the court unbroken, menacing and intimidating witnesses, clerks, registers, examiners, judges,—the lord keeper himself*.”

Thus beset, Williams petitioned his majesty, that, if he would not accept his submission, he would at least allow the cause to proceed according to the rules of court; and proposed, at the same time, to prove against Kilvert the fabrication of the grossest calumnies, subornation of perjury, intimidation of witnesses, &c. But the petition was disregarded†; and to such a height was the well-founded presumption of this tool of oppression carried, that he vapoured, in the hearing of the register, that he cared not what orders the lords made, as he would go to Greenwich and have them all altered. This, too, was complained of, but was passed slightly over. Nay, Sir Robert Heath, now chief justice of the common pleas, complained that Kilvert had threatened to have him turned out of his place for forwardness, as he termed it, in the cause; and the complaint was dismissed, with a little acknowledgment of rashness. *But Heath lost his place‡.*

Kilvert having discovered, “by diligent inquiry and subtle practices,” as Laud’s biographer in-

* Id. Heylin’s Life of Laud, p. 343.

† Hacket, Part ii. p. 117.

‡ Id. p. 116—118.

forms us, that Williams's exculpation depended chiefly on the evidence of one Pregon, register of the court at Lincoln, who happened to be present when the conversation of which Williams was accused took place, made it his business to invalidate his testimony *. He, therefore, lays a bastard to Pregon's charge—a most extraordinary ground of objection in itself, and particularly ungracious on the part of the prosecutors, as Laud had long ago stained his character by the attempt to sanctify adultery †, (it will be remembered, too,

* Heylin says, that after many delays, “Kilvert, a proctor in the Arches, who had been formerly employed in hunting Bennet, a corrupt judge of the prerogative court, to his final sentence, *was entertained to prosecute this bishop, to the like confusion; who having found by diligent inquiry and subtle practices, that the bishop's purgation depended most upon the testimony of one Pregon, the register of the court at Lincoln, he made it his chief work, by discrediting the witness, to invalidate and make void his evidence, he lays a bastard to his charge, and there appeared sufficient ground to indict him for it.*” Life of Laud, p. 343. Take this along with what is quoted in the preceding note, and I think there will be no difficulty with the conclusion. Hacket's Life of Williams, Part ii. p. 118.

† The defence for Laud, in the MS. at Lambeth, and in Heylin, displays no small share of effrontery, because Heylin tells us that Lady Penelope Rich had born several children to the Earl of Devonshire, “before she was actually separated from the bed of Rich.” Life of Laud, p. 57. Now how could any who pretended to be guided by the civil law, or any law, suppose that these could be legitimated *per subsequens matrimonium*? Laud in his prayer, says, that he was advised to officiate in marrying this adulterous pair by the importunity of false friends against his own judgment. Id. p. 58, and Prynne's Brev. of Laud's Life. One thing more I cannot refrain from remarking: The utmost that any one disposed to feel for this profligate woman ought to have done, was to draw a veil over her life: But we are condemned to read the most nauseous praises of her by Heylin.

that Williams had used his endeavours to draw a veil over that part of his conduct,) and Kilvert, whom they employed, had deserted his own wife, a gentlewoman by birth, and lived openly with another man's, who had born several children to him. He had likewise been branded long before in a parliament for perjury*. But the accused perceived that, as his judges only wanted a pretext for setting aside Pregion's testimony, they would sustain this objection for want of a better, and he naturally tried to weigh up the character of his own witness, who appears to have been innocent of the fact charged. The paternity was banded about betwixt Pregion and another person, and Kilvert took the opportunity of attaching to Pregion an aggravation of his alleged offence, by attempting to fix the child upon a wrong father. This matter held the court about eighteen months; and at first the objection was over-ruled; but the command of his majesty to sustain it overawed the unprincipled judges. One of them being upbraided by Williams for his inconsistency, coolly replied that he had been severely chidden by the king for his former vote, and that he would not ruin himself for any man's sake†.

Kilvert now saw a nobler game: Williams had laboured to clear his witness of the imputed offence; and as subornation of perjury was a higher ground than the one at issue, the first was, by

* Hacket's Life of Williams, Part ii. p. 116.

† Id. p. 118, 119.

his advice, abandoned, and the last substituted *. It is needless, and would be nauseous, to follow the cause through its various windings: suffice it to say, that the proceedings were to the last degree detestable: That, in the first place, though any commissions for an exculpatory proof had never been refused to any defendant before, several were denied to Williams: In the second place, that though every defendant, by the practice of the court, was permitted to choose his own examiner, the commission to the individual pitched upon by the bishop was stopt by secretary Windebank, and another substituted, because the first, having been interrogated by Kilvert, had declared that he would impartially discharge his duty. Thirdly, says Hacket, "the same secretary directed one Peachy, a messenger of the chamber, (start not reader, for it is true,) to attend Kilvert in his coat-of-arms, all along with the commission, to apprehend and imprison such as Kilvert should appoint, pretending matter of state and deep consequence against them, and Peachy did apprehend and close imprison in the face of the commission, Philip Pregon, George Walker, and Thomas Lund, witnesses for the bishop, and chased away the rest, that durst not be seen for fear. Those three prisoners were brought to London to the secretary, who told them he had nothing against them; but bade them give satisfaction to Kilvert, who could get no liberty by his mastership's leave till they

* Heylin's Life of Laud, p. 343.

had confessed crimes against the bishop, which afterwards they revoked upon oath. Nor would he permit George Walker's wife to see her husband, kept by the messenger, but for a courtesy too base to be named *."

This is only a specimen of the loathsome pettifogging depravity exhibited in the case. But, after the bishop had brought such a counter-proof as he was allowed to lead, it was deleted by one of the chief justices, in his own chambers, not as irrelevant, but merely forsooth, because it reflected upon Kilvert, and disproved the evidence for the crown †.

The bishop's enemies, who sat in the Star-Chamber, could not, as they resorted to such means, fail to convict him of subornation of perjury, and (though some were for less) he was fined L.10,000, referred over to the High Commissioners to be suspended *ab officiis et beneficiis*, and condemned to be imprisoned in the Tower during the royal pleasure. This sentence did not satisfy Laud, who wished his brother's deprivation, and even deportation, he said not whither. Nay Finch, who had been likewise obliged by Williams, declared, that if it had pleased others, he would have laid some ignominy upon the prelate's person, by which was understood the usual punishment of branding the face, slitting the nose, and cropping the ears. Could any thing add to our disgust at such enormities, it would be the

* Hacket's Life of Williams, part ii. p. 119, *et seq.* † Id. p. 124.

affectedly religious cant of these wicked ministers of oppression. Every one was louder than another against the horrid crime of perjury, of which, at the very moment, they were all guilty; and Laud, the original prosecutor, the employer, and abetter of Kilvert, "aggravated," to use the words of Heylin, "the fault of subornation of perjury, with a pathetical speech of almost an hour long, shewing how the world was nearly three thousand years old before it was ripe enough to commit so great a wickedness. That Jezebel was the first in Scripture which had been branded with that infamy, whose witnesses could find no other name in Scripture than the sons of Belial; and therefore that, considering the greatness of the offence, though before he had been five times on his knees to his majesty in the bishop's behalf, yet now he could not but agree to the heaviest sentence." Three of Williams's servants were fined at the same time.

After this, Williams had not a courtier to intercede for him, as "kings like not that any should pity them whom they have undone;" and in the execution of the sentence, the last injustice was practised. The bishop proposed to pay the fine by instalments of L.1000 per annum, but this, though it had been allowed to others, and the king himself intended to grant it till he was overpowered by Laud, was denied, and an order was issued to gather in all his property that could be found, and import it into the exchequer. The execution of this duty was assigned to Kilvert,

who, as he entertained no idea of promoting the wickedness of others, without sharing in the profit, instantly seized upon all the prelate's personal effects, including books, plate, wine, household furniture, hay, &c. to the value of fully L.10,000, which ought at once to have discharged the fine, and prudently accounted for L.800 only. Williams's benefices, lands, and leases, were proposed to be rented at L.4500 a-year, which would have paid the fine in two years and a half, allowing him, as was done, L.500 a-year for his maintenance; but, as his absolute ruin was intended, on the one hand, and his enemies had an eye to the plunder, on the other, Kilvert carried a letter from Windebank to direct, or rather to force, the juries, to receive no evidence against the king's profit; and to estimate the lands at half their annual rate*.

Williams, who, in the triumphant language of Heylin, "began to find how dreadful a thing it was to fall into a king's displeasure," tried once more the effect of submission, and even proposed to surrender his bishopric, and deanery of Westminster, on condition of his majesty's providing for him otherwise. The offer was eagerly grasped at both by Laud and his master, who intimated, that if Williams would give in his resignation, he

* Hacket's Life of Williams, Part ii. p. 128, *et seq.* Kilvert had sharers with him. Lamb, in particular, was well paid for his treachery. See also p. 126, 127, about the effect of this sentence on the public: From this, with all other things, every mechanic presaged ills to come, yet Williams kept his spirit. Heylin's Life of Laud, p. 344, 346, 347.

should obtain a living in Ireland: but to this the other demurred, observing, that he should then fall under the power of a man, Wentworth, who in six months, would find out some old statute to cut off his head. Foiled in their attempt to remove him in this way, they began a prosecution on another ground. His book upon the holy-table was charged by Laud as countenancing Prynne, Bastwick, and Burton; and his creed is tried by interrogatories in the High Commission, in order to discover a pretext for his deprivation*.

second prosecution of Williams, and case of Osbaldistone.

In the mean time a fresh pretext for prosecution in the Star Chamber was discovered†. Weston, Earl of Portland, having disagreed with Laud, had conceived the idea of forming a coalition with Williams, in order to counterpoise the other; and therefore applied to Mr. Osbaldistone, a prebend, and head-master of Westminster-school, whom Williams patronised, and who was much in his confidence, to mediate between them. The prelate, though rejoiced at the prospect of such an opening, was cautious in expressing any forwardness in the business, lest, for the purpose of giving an advantage to his enemies, Osbaldistone should have been deceived. He, therefore, wrote to a friend, to ascertain exactly how matters stood, and to intimate to the earl that, if he were sincere in

* Heylin's Life of Laud, p. 344. Straf. Let. and Disp. vol. ii. p. 149, 150. Hacket's Life of Williams, Part ii. p. 129, *et seq.*

† To keep up the king's resentment, it was alleged that the prelate had refused ship-money; but he had only complained of being rated too high. Id. p. 96. Fuller's Church Hist. b. xi. p. 159.

his proposition, he must give an earnest of it, by freeing him from the prosecution in the Star Chamber, and employing a more sufficient messenger. The Earl soon after died, and the prelate's hopes with him. Now, Kilvert, in searching the bishop's house, and rummaging through every corner for means to gratify his own avarice, or feed the malice of Williams's enemies, lighted upon the letters from Osbaldistone, which, as they farther taught Laud the importance of his rival in men's estimation, and the danger he had himself narrowly escaped, augmented his revengeful passions. In those letters, the earl was designated the great leviathan, Laud the little urchin, meddling hocus-pocus, little grace, vermin, &c.; but no difficulty could attend the interpretation. Upon these two letters, and another from Williams to a friend, an information was filed against both him and Osbaldistone in the Star Chamber, for having plotted to divulge false news and lies, to breed disturbance in the state, and a difference between two great persons. The prelate, with little regard to truth, pleaded that he had not received the two letters; that they had been opened by his secretary in his absence, and by him thrown aside amongst other papers, as unworthy of his master's notice; and that he did not know who were meant by such names; and then justly added, that, at all events, they had never been published, and consequently could not be chargeable with the intention imputed to them. Osbaldistone pleaded that, by the great leviathan he meant Chief Justice Richard-

son, and by the little urchin, &c. a Dr. Spicer. But the fact, as to the persons so represented, though perhaps not established by competent evidence, was manifest. In the investigation of the matter, however, some most abominable practices, similar to those which occurred in the former proceedings against Williams, were resorted to, and nothing could be more opposite to reason and justice than the whole charge.

The Court assessed Williams in a fine of L.5000 to the king, and in L.3000 of damages to Laud; and again condemned him to be imprisoned during his majesty's pleasure, and to make a submission. Osbaldistone was sentenced to be deprived of all spiritual dignities and promotions, to stand in the pillory in the dean's yard, before his own school, and to have his ears nailed to the pillory; to be imprisoned during the king's pleasure, and to make a submission. In delivering their sentence against this individual, who was a distinguished scholar, the judges of this court could not refrain from adding the meanest insolence to injustice. His calling, as a teacher, in which he had made himself highly eminent, afforded the illiberal theme: They would have "the pedant" made "an example to his boys." But he disappointed their vindictive pitiful cruelty. Though reported to be fled, he was secretly in court during the trial, (if it be not profaning the name,) and slept away when he had heard the opinions of the majority. Having retired to his own house, he destroyed some papers, and left a note on his desk, that, if the arch-

bishop inquired for him, he was gone beyond Canterbury. Messengers were instantly despatched to the different port-towns to apprehend him; but he was successfully concealed in a private house in Drury Lane, till the parliament met in November, 1640*.

We shall conclude these remarkable proceedings, by observing, that the event proved that Laud was not jealous of Williams recovering his ground without cause. The latter was restored to power, and then, though not from Williams, his own calamities began. Kilvert, after this revolution, had the effrontery to wait upon Williams, to ask forgiveness; and that he might shew a title to it, proffered his services in hunting down Laud, and his other employers, as he had done the man he now addressed. The prelate, having first drawn from him all the information he could, assured him of his pardon, as a wretch beneath his resentment, and bid him live by pettyfogging still, and think himself forgotten†.

The best authorities on both sides, agree in regard to the illegal and severe proceedings of the Court of High Commission, where many heavy fines were imposed, in a great measure for the better enabling Laud to fulfil his pious object in rebuilding St. Paul's: but the details of a few cases

* Hacket's Life of Williams, Part ii. p. 130, *et seq.* Heylin's Life of Laud, p. 345, *et seq.* Whitelocke, p. 26. Rush, vol. ii. p. 803, *et seq.* Franklyn, p. 766. Fuller's Church Hist. B. xi. p. 165, *et seq.*

† Hacket's Life of Williams, part ii. p. 137, 138, 140, 141.

only have descended to us. Some of these we have had occasion to relate in our account of the proceedings of the Star Chamber, as the cases of Bastwick, Prynne's clerk, the Chester-men, &c.; and we shall add a few more:—Mr. Bernard, a lecturer in London, was suspended from the ministry, excommunicated, fined L. 1000, besides the costs of suit, imprisoned, &c. by which he was ruined, for preaching against the use of crucifixes, &c *.—Mr. Workman, lecturer in Gloucester, for preaching against images, was suspended, and ordained to make a submission. He repeated the offence, and was both deprived and imprisoned. Having recovered his liberty, he tried to earn a livelihood for himself, his wife, and a numerous family of infants, by teaching; but he was prohibited from that occupation. He then endeavoured to procure subsistence by the practice of physic; but Laud interdicted that too. As he had preached in Gloucester for fifteen years, and was much beloved, the corporation, taking pity on him and his family, granted him a bond of annuity for L. 20; and for such an act of generosity, the mayor, and some of the aldermen, were carried by pursuivants, first before the Council, and afterwards the High

* This individual had been previously cited into that court for using this expression in his prayer, "Oh, Lord! open the eyes of the queen's majesty, that she may see Jesus Christ, whom she hath pierced with her infidelity, superstition, and idolatry." Such language was altogether unjustifiable, and it must be confessed that he was remarkably lightly dealt with, having been pardoned, upon a submission, and acknowledgment of his offence: But the second case had no relation to the first. Cant's Doome, p. 362, *et seq.*

Commission, where two of them were fined, and the whole subjected to large fees; while that tyrannical court also cancelled the bond *.—Mr. Peter Smart, the oldest prebend in the cathedral of Durham, for preaching against the innovations introduced by Dr. Cozens, as images, &c. was fined L. 500, deprived of all his livings, which were bestowed by Laud upon his creatures (a proceeding whereby he sustained L. 10,000 damages,) and sent to prison; from which he was, after eleven years close confinement, only released by the long parliament †.—Mr. Charles Chancy, minister of Ware, was deprived, condemned in costs, and ordained to make a recantation, and, in the mean time, to give bond for it, or be imprisoned till he performed it, merely because he opposed the railing in of the communion-table—an act which had not been warranted by the bishop of the diocese. A Mr. Humphrey Porter suffered along with him. One of Mr. Chancy's counsel, too, Dr. Merick, having attempted to justify his client's conduct, was silenced by a threat from Laud, of suspending him from his practice ‡.—John Premly was fined, imprisoned, &c. for opposing the alteration in the communion table ||.—Mr. Burdit, for giving the sacrament to some who scrupled to come up to the rails, was nearly ruined §.—The case of the churchwardens of Beckington was not, properly speaking, a High Commission one, because they were only

* Cant's Doome, p. 103, *et seq.*

† Ibid.

|| Page 101.

† Id. p. 93, &c.

§ Page 96.

forced into submission to the bishop, by a threat of being summoned into that terrible court; but indirectly it operated. They were excommunicated, imprisoned, &c. about altering the communion-table *. This was not merely a spiritual censure. A person who stood obstinately excommunicated for forty-two days, was attachable by a writ out of Chancery *de excommunicato capiendo*, directed to the sheriff, and by him to be committed to prison without *bail* or main-prize, till he conformed himself and sought absolution.—The learned Selden had written an erudite work upon tithes, in which he had endeavoured to prove that they were not of divine origin. A book was published on the other side. But Laud had a better species of refutation in store. He called Selden into the High Commission for such heterodox doctrine, and obliged him to sign a humiliating recantation †.

“Persons of honour, and great quality, of the court, and of the country,” says Clarendon, “were every day cited into the High Commission, upon the fame of their incontinence, or other scandal in their lives, and were there prosecuted to their shame and punishment; and as the shame, which they called an insolent triumph upon their degree and quality, and levelling them with the common people, was never forgotten, but watched for revenge; so the fines imposed there were the more questioned and repined against, because they were

* Cant's Doome, p. 97, *et seq.* &c. Rush. vol. ii. p. 300. Heylin's Life of Laud, p. 290. They were men of consequence.

† Neal, vol. ii. p. 120. Fuller, b. x. p. 70.

assigned to the rebuilding and repairing St. Paul's church, and thought therefore the more severely imposed, and the less compassionately reduced and excused *." It was afterwards declared, by a committee of the parliament, that some hundreds of people in every diocese in England, had been excommunicated for not going up to the rails to receive the sacrament (the consequences of excommunication have just been mentioned;) and some hundreds of ministers had been silenced, suspended, or deposed, &c. for refusing to read a declaration for sports or recreations on Sunday †. The printers of the English Bible, had committed a typographical error in omitting the word *not* in the seventh commandment, and for this they were deeply fined by the High Commission, while the whole impression was called in ‡. Many, too, were severely prosecuted for importing the Geneva bibles, which had been freely allowed under Elizabeth, and even by James, though he disapproved of some notes about resisting the chief magistrate §.

Having alluded to the Book of Sports, as it is called, we shall here introduce an account of it. Book of Sports.

* Clar. vol. i. p. 94.

† Cant's Doome, p. 128, *et seq.*

‡ Heylin's Life of Laud, p. 228.

§ Cant's Doome, p. 181, 182, 454, 513, 515, 516, 529. Rush. vol. iii. App. An application was made to the Dutch government to prevent the printing of English books there. Life of Laud, p. 364, 365.

The Christian church had, from the earliest times, set apart the first day of the week as sacred; but as it was a different day, so it was held to be a different institution, from the Jewish Sabbath; and entitled to reverence merely as an appointment of the church, (which was empowered by heaven to make such regulations,) not as a direct obedience to the fourth commandment. Many of the reformers, however, regarded it in a different light, and observed the *Sabbath* with all imaginable strictness. The Puritan clergy now carried the sanctity of the Sabbath to the highest degree; and devoted that day to preaching, and to extemporary or pulpit-prayers after the litany. Their hearers frequently permitted the service to be over before they entered the church. The grand object of Laud and his party, however, being in a manner to supersede preaching and lecturing, and, above all, the preaching of those who did not cheerfully join him in his innovations, it was conceived to be necessary to lessen the reverence for the Lord's day, to inure the people to sports, that they might be withdrawn from sermons, and to impress upon the general mind that Sunday was exactly in the same situation with the other holidays appointed by the church, and that to regard it in any other light was an unpardonable impiety. Laud seems to have had more respect for the holidays than for it. This, while it struck no less deeply against the interest, than it affected the piety of the puritan ministry, whose influence in the community depended on very different principles from an atten-

tion to rites, meats, and vestments, was particularly calculated to gratify the ambition of the ruling party, since it implied a most extensive authority in the church—in other words, the prelates; and, besides teaching the people how inadequate they were to form any judgment upon doctrinal points, ever reminded them of the authority which appointed the regular periods of worship, and prepared them for the reception of all the ideas connected with particular days. The book of sports had been published in the preceding reign; but there had been an express statute passed in the first of this reign against plays, sports, &c. on Sunday, yet a declaration enjoining them was now ordered to be read by every minister, while extemporary prayers, nay, preaching too, were prohibited. The measure excited general consternation: as it was intended for a test of uniformity, so it was esteemed; and indeed was nothing short of demanding that the popular clergy should, besides doing violence to their consciences, be themselves the instruments of their own ruin in the public opinion *. Many, though with much heart-burn-

* St. 1 Car. c. 1. continued by 3 Car. c. 5. s. 3. See also 3 Car. c. 2. Prideaux on the Sabbath, with a preface by the translator. Ed. 1635. Dow's Christian Sabbath, 1636.; and innovations upon the present Church and State, ch. 9. 1637. Pocklington's Sermon, Sunday no Sabbath, 1636. Heylin's Life of Laud, Introd. p. 15, Life, p. 257. 258, 260, 261, 310, 311, 312. This writer tells us that a poor school-master in Norfolk, one Brabourne, "seduced and misguided by the continual inculcating of the morality of the Lord's day-Sabbath, from the press and pulpit, published a book, in maintainance of the seventh-day-Sabbath, as it was prescribed by Moses, &c. that his

ing, complied ; hundreds were, as we have said, silenced, suspended, deprived, or obliged to leave the kingdom for a refusal. The spirit with which many complied with it may be conceived from the remark of one, who, having read the declaration, said, “ Dearly beloved, you have heard now the commandments of God and man, obey which you please.” Another, having read it, preached upon the fourth commandment *.

Earl Mar-
shall's
Court.

We have already had occasion to give an account of the Earl Marshal's court, which was erected without a pretext of law ; and, according

majesty, extremely moved with so lewd an impudence, *and fearing to be thought the patron of a doctrine so abhorrent from all Christian piety*, gave orders for the author to be censured in the High Commission. The author was convinced of his error by the arguments used in that court, p. 257, 258. The chief justice, Richardson, had performed his duty in enforcing the statute in Somersetshire, and “ he was convented at the council table, and peremptorily commanded to reverse his order at the next assizes for that county. Withal receiving such a rattle for his former contempt by the bishop of London (then Laud, anno 1633,) that he came out blubbering and complaining that he had been almost choaked with a pair of lawn sleeves,” p. 257. Prynne's *Introd. to Laud's Trial*, p. 158. *Cant's Doome*. Fuller's *Church Hist.* b. ix. p. 227, 228. b. x. p. 74. b. xi. p. 144. *Straf. Let. and Disp.* vol. I. p. 166. *Rush.* vol. ii. p. 191, *et seq.* p. 459, *et seq.* May, p. 23, 24. Mr. Hume ascribes the *Book of Sports* to the king's desire to infuse more cheerfulness into his people ; but it is very unfortunate that this elegant historian had never thought it worth his while to study the subject. Charles was not so insane as to make men mad by an injudicious attempt to compel them to be merry—against the statute-law too. Laud, after relating, in his *Diary*, an accident that Viscount Mansfield met with on Good-Friday in running at tilt, says, “ Should not this day have other employment ?” How he would have had the Sunday employed we have already shewn.

* *Straf. Let. and Disp.* vol. I. p. 166.

to Clarendon himself, imposed the most extravagant fines. But it is unfortunate that no record of cases has been preserved; Rushworth, who had kept an account of them, having lost it through the improper conduct of a friend to whom he had lent, and who never returned it: But the two following cases afford a sufficient proof of the gross injustice of that usurping tribunal. A waterman attempted to extort more than his fare from a citizen, and, after some rudeness, produced his badge, which represented a swan, the crest of an earl, to overawe his employer. The latter, tired of impertinence, bade him begone with his goose; when the waterman complained to his master, and by his interest had the citizen summoned into the marshal's court. Here the citizen was ruined by an immoderate fine, for the alleged and clearly unintentional offence of reviling the nobleman's crest, by calling the swan a goose! A gentleman owed his tailor a large bill, which he had no mind to pay; and the tailor dunned him for his money. The gentleman, upon this laid hands on the poor tradesman, and thrust him out of the room, calling him base fellow. The other, thus denied his hard-earned pittance, and vilely used, so far forgot the respect due to his creditor, as to let fall the insulting words, that he was as good a man as the other. This was an unpardonable offence, and he was cited into the marshal's court, where he was compelled to release all his debts for his ill manners. It was this court that issued authori-

ty to the herald's office to assess all funerals according to the quality of the deceased *.

Case of the
Feoffees for
buying in
impropriations.

An oppressive act of the court of exchequer may now be mentioned. A society of pious men had erected themselves into a corporation, for purchasing in impropriations which had been dissolved by the reformation, with a view of bestowing them upon ministers of their own choice. Laud and his master, however, hated all lay benefices, because the incumbents, though necessarily approved of by their ordinaries, were generally better suited to the taste of their auditory, than to the spirit of the cabinet: and Laud had long aimed at having these impropriations restored to the church. The feoffees were therefore cited into the exchequer-chamber, where their powers were annulled, the impropriations which they had purchased transferred to the church, that his majesty might bestow them upon incumbents of his own choice, and themselves threatened with a prosecution in the Star Chamber. It was deemed advisable not to proceed against them further; but some of them were indirectly vexed with arbitrary proceedings. A Mr. Foxley, supposed to favour them, was confined in a chamber not four yards square, and kept close prisoner for twenty months †.

* Rush. vol. ii. p. 104. Cabala, 4to. Ed. 1655. p. 55. about this court. Rush. vol. iii. p. 1054, 1055, 1056. Clarendon's Life, vol. i. p. 37, 72, *et seq.*

† On the 12th April, 1626, Laud has an entry in his diary as follows: "That night, after 9 o'clock, I gave to the king an account of what I had received in command on the 5th April, and of other

We might enumerate other arbitrary proceedings, as a decree in Star Chamber, prohibiting any to act as printers, either as principals or servants, without a licence, and ordaining that all who presumed to contravene the decree be punished with whipping, the pillory, and imprisonment, or in any other manner which the court should think fit; and that none should import books without a license under similar penalties, &c. (no book, though formerly licensed, was to be reprinted without a new warrant*.) But we conceive that enough has been said to convey a picture of the government: And we shall now give an account of the famous measures relative to the tax of ship-money. The devising of ^{Ship-money.} this tax has, with little justice, been attributed to Noy; as, in the second of this reign, while he was a keen advocate for the constitution, a similar tax was imposed. Ships were at that time required from the several ports, with the assistance of the adjacent counties, and excepting that the inland counties were now assessed as well as the maritime, the tax had only so far assumed a different shape, that in-

things relating thereto. Amongst the rest, *restoring impropriations.* The king spoke many things very graciously therein, after I had first discoursed of the manner of effecting it." On February 13th, 1631-2, he has the following entry: "The feoffees that pretended to buy in impropriations, were dissolved in the Exchequer Chamber. They were the main instrument for the puritan faction to undo the church. The criminal part reserved." Rush. vol. ii. p. 150, *et seq.* Cant's Doome, p. 385, *et seq.*

* See this decree in Rush. vol. iii. App.

stead of ships, money was demanded, under the pretext of fitting out a fleet. It was politicly levied with great fairness in the assessment, except that the clergy, though they complained of being rated too high, were favoured. But, as it struck at the vital principle of a free government, and, if permitted to operate, swept away at once all hope of another parliament, or any check to arbitrary power, it excited a murmur amongst all ranks; and the name of Noy, which had been famed on account of his reputed research, became worse than contemptible *.

To defraud the people, by a pretended principle of law, the Lord Keeper Coventry openly charged the judges in the Star Chamber, on giving them their commissions to travel the circuits, to recommend it to the different counties. But when this failed, another device was resorted to, "to gild this illegal pill." Heath, who had shewn himself refractory in the case of Williams, was removed from the office of chief justice of the common pleas, as unfit for the occasions of government; and his place was supplied by Finch, who, with little law, had qualities better adapted to the times, when law was disregarded. He, assisted by others, applied to his brother judges to concur with

* Whitelocke, p. 22. Rush, vol. ii. p. 213, 247, 253, 257, *et seq.* Clar. vol. i. p. 68, *et seq.* Heylin tells a ridiculous story of Noy having, from time to time, made notes from the records in the Tower, proving that naval aids had often been exacted; and of his having kept the small slips of paper, on which his notes were preserved, in the coffin of a pie sent by his mother. Life of Laud, p. 320.

him in an extrajudicial opinion, which was to be published, that the tax was consonant to the fundamental laws of the realm ; and, by much solicitation, with promises of preferment to some, and threats to others, as the judges themselves informed Whitelocke, an opinion was obtained that, when the kingdom in general is concerned and in danger, the king may levy sums for equipping and furnishing a navy ; and that he is the sole judge both of the danger and of the means to prevent it. This extrajudicial opinion was ordered to be enrolled in all the courts of Westminster ; but, however it might satisfy Charles himself, whom Heylin, in regard to this very case, calls “ too just a prince to exact any thing by power, when he had neither law nor reason to make it good *,” increased, instead of allaying the general discontent : for nothing embitters oppression more than to pretend to justify it on principle ; and men, though they may be dragooned, are not to be cheated, out of their liberties. None could be so dull as not to perceive that, upon the same ground, any tax whatever might be imposed : that the plea of necessity was an insult in this instance, since the prince was so far from merely providing a temporary remedy for the exigencies of state, till parliament could be assembled, that he had declared his purpose to govern without the legislature : that as necessity supersedes all law, it was utter extravagance to pretend to justify the measure on legal principles : and

* Life of Laud, p. 321.

that necessity never can be pleaded in regard to a regular tax at the will of the prince, since it requires such time in the levying, that there must be more than leisure to provide a legislative remedy for the evil which is alleged to call for the measure. The plea of necessity would never fail a prince; and it was well admitted on all hands, that if the law gave the power, it must presume a faithful discharge of the duty: Nay, afterwards, all argument upon the necessity of the measure was prohibited, as reflecting upon so benign a monarch; and Mr. Holbourn was severely checked by the chief justice of the common pleas for assuming it as a possible case that such a power might be abused*.

Great was the triumph of the court party on having obtained this opinion. Wentworth declared “it to be the greatest service the legal profession had done the crown in his time.” “But,” says he, “unless his majesty hath the like power declared to raise a land army upon the same exigent of state, the crown seems to me to stand but upon one leg at home, to be considerable but by halves to foreign princes abroad: yet sure this, methinks, convinces a power for the sovereign to raise payments for land forces, and consequently submits to his wisdom and ordinance the transporting of the money or men into foreign states, so to carry, by way of prevention, the fire from ourselves into

* Whitelocke, p. 24, 25. Rush. p. 352, *et seq.* State Trials—ship-money; see particularly pp. 969, 970—1.

the dwellings of our enemies, (an art which Edward III. and Henry V. full well understood,) and if by degrees Scotland and Ireland be drawn to contribute their proportions to these levies for the public, *omne tulit punctum*.”—“ This piece,” continues he, “ well fortified, for ever vindicates the royalty at home from under the conditions and restraints of subjects ; renders us also abroad, even to the greatest kings, the most considerable monarchy in Christendom,” &c. Such was the language of Wentworth ; but he still earnestly dissuaded from engaging in the Continental broils alleging that it was “ a business to be won from the subject in time of peace only ; the people first accustomed to these levies.” “ I beseech you,” says he, “ what piety to alliances is there that should divert a great and wise king forth of a path which leads so manifestly, so directly, to the establishing his own throne, and the secure and independent seating of himself and posterity in wealth, strength, and glory, *far above any their progenitors* ; verily, in such a condition as that there were no more hereafter to be wished them in this world, but that they would be very exact in their care for the just and moderate government of their people, which might minister back to them the plenties and comforts of life*,” &c. It has been said that Charles

* Straf. Let. and Disp. vol. ii. p. 61, 2. *Considerations about a war with Austria*. His real motives regarding the war, he thus develops in a letter to Laud. “ Good, my lord, if it be not too late, use your best to divert us from this war ; for I foresee nothing in it

and his ministers were actuated by a desire of merely retaining the ancient prerogative of the crown, but this affords a direct refutation of the statement; and with regard to Wentworth's cant about just and moderate government, his practice establishes his ideas upon the point; and the following passage proves also the nature of his theory. He recommended that the king should be "sole merchant" of salt in Ireland, because "it is of so absolute necessity, as it cannot stay on his majesty's hand; but must be had, whether they will have it or no, and may at all times be raised in price, so far forth as his majesty shall judge to stand with reason and justice—witness the gabelle in France *."

Mr. Chambers and others attempted to make an appeal to the laws against this monstrous tax of ship-money; but even a hearing was denied. One of the judges, indeed, openly remarked, that "there was a rule of law and a rule of govern-

but distractions to his majesty's affairs, *and mighty dangers to us that must be ministers*; albeit, not the authors of the counsel. It will necessarily put the king into all high ways possible, else will he not be able to subsist under the charge of it: and if these fail, the next will but be the sacrificing those that have been ministers therein. I profess I will readily lay down my life to serve my master; my heart should give him that very freely; but it would something trouble me to find those that drew and engaged him in all these mischiefs busy about me themselves, in fitting the halter about my neck, and in tying the knot sure, that it should not slip, as if they were the persons in the whole world the most innocent of guilt, howbeit, in truth, as black as hell itself, and on whom alone the punishment ought to lie." P. 66.

* Vol. i. p. 192, 3.

ment, and that many things, which might not be done by the rule of law, might be done by the rule of government *.” But when some men of high rank demanded a legal hearing, the king, confident of a favourable judgment from his constituted sworn guardians of the law, and anxious to stem the torrent of public indignation, consented to a trial of this, the most important question that ever came before an English court. The individual, whose case was tried, was John Hampden, a name that will be illustrious so long as patriotism and private virtue are venerated by men. He was a gentleman of the oldest extraction in Buckinghamshire, and of a large estate ; and though, at this period, not much known as a public character, universally beloved in his own county, and esteemed for his talents. His morals were strict ; but his mind cheerful : his resolution, both in the closet, the senate, and the field, undaunted ; but his disposition mild, his manners courteous and affable : While such were the equability and moderation of his temper, that, though every opportunity was sought for an advantage against him, in any unguarded act or expression, none could be found. He had been only rated for twenty shillings, and it was his own particular interest to submit to the imposition ; but he disdained to comply with a demand that annulled all the franchises of his coun-

Hampden
and case of
Ship-mo-
ney:

* Rush. vol. ii. p. 323. Chambers could obtain no redress ; and Jennings, Danvers, and Pargiter, having been imprisoned for refusing the tax, were denied their *Habeas Corpora*, p. 414, *et seq.*

try; and he consulted with the greatest lawyers in the kingdom *. This was exactly the character fitted for the juncture. The case was argued at great length in the Exchequer-Chamber, before the twelve judges, who delivered their opinions in the fullest manner: It held the court twelve days; but, as might have been anticipated, a judgment was pronounced in favour of the crown. The effrontery with which the principles of despotism were advanced, both at the bar and on the bench, must satisfy every one of the awful crisis to which matters had arrived. It was asserted that the power of imposing was so inherent in the crown, that no act of the legislature could take it away. Even Clarendon, who indeed condemns the judgment in the most unqualified terms, tells us that there were in this, as in other cases, "many imperinences, incongruities, and insolences in the speeches and orations of the judges, much more offensive, and much more scandalous than the judgments themselves †." Four of the judges dissented from their brethren, and by their argument partially vindicated the old law of the country: one of them, Sir George Crooke, had intended to give his opinion for the crown, but "his lady, who was a very good and pious woman," inspired him with a better mind. "She told him she hoped he would do nothing against his conscience, for

* Clar. vol. ii. p. 265. Whitelocke, p. 25, 70.

† Clar. vol. i. p. 71. See the case of Ship-money in the State Trials, and in Rush. The pleadings are full of research.

fear of any danger or prejudice to him or his family; and that she would be contented to suffer want, or any misery with him, rather than be the occasion for him to do or say any thing against his judgment and conscience*.” The annals of the world do not afford an instance of nobler conduct: were it oftener the province of the historian to record the virtues of a Lady Crooke, or a Hampden, the fruit of his labours would be redeemed from the charge of being little else than a register of crimes.

When the tax was first imposed, people were im-pressed with the idea of some state necessity—some danger from abroad, and submitted to it too generally on that account. “But when they heard it demanded in a court of law as a right, and adjudged so upon such grounds and reasons as every bystander was able to swear was not law—by a logic that left no man any thing which he might call his own, they no longer looked upon it as the case of one man, but as the case of the kingdom, which they thought themselves bound in public justice not to submit to†.” The decision, therefore, along with other circumstances, filled men with abhorrence, and with the gloomiest apprehensions; “that things carried so far on in a wrong way, must needs either enslave themselves and posterity for ever, or require a vindication so sharp and smarting, as that the nation would groan under it‡.”

Effect of
the judg-
ment
against
Hampden,
and feelings
of the peo-
ple.

* Whitelocke, p. 25.

† Clar. vol. i. p. 69, *et seq.*

‡ May, p. 17.

Presages of evils were in every mechanic's mouth*.

Such were the sentiments of the great body of the people; but there were many lords and gentlemen, who, looking no farther than the present time, and enjoying plentiful fortunes, dwelt upon the evils which Germany, wasted with war, and other countries, endured, and alleged that in France, though there were no parliaments, the gentry lived well: "Some of the greatest statesmen and counsellors would ordinarily laugh at the ancient language of England, when the word liberty of the subject was mentioned†." The high-clergy in particular exulted, and had it not been at the general expense, it would have been perfectly fair, that their status and power in the community were raised, and that men of great families not only married their daughters to their cloth, but purposed to provide for their sons by breeding them to the church‡. To exalt his bre-

* Hacket's Life of Williams, Part ii. p. 127. See Wentworth's remarks on Hampden, in that very letter in which he would entrust the cure of the cancerous malignity of the times, which must be cut forth, to one Esculapius alone. Let. and Disp. vol. ii. p. 138; also p. 158. The last betrays a very coarse mind. See also his sneer at "Old Ned Coke," p. 108, for his dislike of monopolies.

† May, 18, 19. Heylin's Life of Laud, p. 251.

‡ Laud in his Diary says, "March 6, 1635-6, *Sunday*, William Juxon, Lord bishop of London, made lord high treasurer. No churchman had it since Henry VIIIth's time, &c. And now, if the church will not hold up themselves under God, I can do no more." Heylin tells us that his advancement was of service in regard to tithes in London. Life of Laud, p. 304. Clar. vol. i. p. 99. Straf. Let. and Disp. vol. ii. p. 2. May, p. 23. The people, when they saw the treasurer riding with the other bishops, used merrily to call it the church triumphant.

thren Laud endeavoured to procure for them the first offices of state: Juxon, bishop of London, was made treasurer, with this view, Laud himself being prime minister; and there was a talk amongst the younger clergy, that there was to be one of their number, Wren, bishop of Norwich, a secretary of state, and Bancroft, bishop of Oxford, chancellor of the exchequer. To give the parochial clergy importance too, they “were every where made justices of peace, to the great grievance of the country in civil affairs, and depriving them of their spiritual edification*.” Acting upon their plea of divine right and authority to keep spiritual courts, the clergy arrogated to themselves, as falling within their divine jurisdiction, suits of tithes, as well as all cases of continence, &c. (which they claimed the power of punishing by fine, &c. as well as by excommunication, a punishment that subjected the convict to imprisonment till he were absolved, which might be for ever;) and it is a very singular circumstance, that now, as during the papal supremacy, great encouragement was given to the civil law. For this purpose, the primate obtained a promise of the king, that the masters of requests should all be doctors of the civil law, and also eight masters in Chancery†. It is too natural for bodies of men

* Ibid. Clarendon also tells us that they now forgot condescension and civility to their patrons and neighbours in the country, p. 97, 98.

† Heylin's *Life of Laud*, Introd. p. 2. *Life*, p. 290. *Straf. Let. and Disp.* vol. i. p. 176.

to esteem an individual who has endeavoured, even unjustly, to exalt their class. But it should never be forgotten, that Laud, by his injudicious attempt to render his cloth pre-eminent, exposed it to the utmost danger of utter ruin.

Negocia-
tion with
Rome.

The negociation with Rome appears to have proceeded far*; and, in regard to innovations, what Laud durst not yet attempt in England he tried in Scotland, a country where it was supposed he might dictate with less danger of resistance. The feelings of the man may be conceived from the following language to Wentworth in 1634: "As for my marginal note, I see you deciphered it well; and I see you make use of it too: Do so still; *thorough and thorough*. Oh! that I were where I might go so too; but I am shackled between delays and uncertainties†." It was under consultation to send out a bishop to the American colonies to insist upon uniformity, and to back him with troops should the colonists be refractory‡. Here we may remark, that the advocates of this churchman have conceived their defence of him complete, by denying his purposed reconciliation with Rome, which yet Heylin does not: but, in

* See Necessary Introd. to Laud's Trial and Trial itself. See a pamphlet, published in 1643, 4to. entitled, "The English Pope," which is well written; and the "Pope's Nuncios, or the Negotiations of Sig. Con, Panzani," &c. said to be written by a Venetian gentleman. Heylin's Life of Laud, p. 410, *et seq.* This last I conceive to be pretty conclusive evidence.

† Straf. Let. and Disp. vol. i. p. 329.

‡ Heylin's Life of Laud, p. 368—9.

truth, that was a matter of no importance in such a view, since the innovations by which he shook the foundations of society would, if submitted to, have been pregnant with the same baleful consequences. Nay, not a few may agree with the following sentiment in a speech of Sir Edward Deering: "He," Laud, "pleads popeship under the name of a patriarch. But herein I shall be free and clear, if one there must be, be it a pope, be it a patriarch; this I resolve upon for my own choice, *procul a Jove, procul a fulmine*; I had rather serve one as far off as the Tiber, than have one so near as the Thames. A pope at Rome will do me less hurt than a patriarch may do at Lambeth." Heylin, with wonderful inconsistency, after having dwelt upon the propriety in a religious sense of the innovations, nay approved of the scheme of reconciliation with the Pope, defends them on the principle of their being calculated to allure the Catholics into the English church, when they perceived how trifling were the differences between the tenets of each*. But this, while it displays little candour, is the best proof of the extremities to which Laud was disposed to proceed. With all his desire to attract the Romanists, he was so far from adopting measures to conciliate the puritans, the great body of the nation, and the majority of whom had no dislike to the ecclesiastical govern-

* Life of Laud, p. 417. I quote this author because he was the minion of Laud.

ment as established by law *, that by acts of severity and persecution he goaded them almost to madness. While, too, the Romish was declared to be a true, and the mother church, the title of church was denied even to the ecclesiastical establishments of foreign protestant communities †.

We now draw to a conclusion with this melancholy picture: But there is one circumstance more to be adverted to. With a view to justify,

* Clar. vol. i. p. 91, 92, *et seq.*

† In the year 1634, the Queen of Bohemia, as she was still called, sent over a Mr. Rully, a Palatinate minister, with letters to Laud, requesting that a collection might be allowed and recommended for the distressed ministers of that country. This was acceded to, and letters patent were passed under the great seal in exact conformity (*verbatim*) with similar precedents, both in the last reign and this; but when Mr. Rully carried them sealed to Laud, he fell into a great passion, because, as formerly, the sufferings of that body were ascribed to their steadfastness in “the true religion, which we, together with them, profess to maintain;” declared, that were it not for his respect and engagement to the queen of Bohemia, he would not have allowed a collection to be made; and that he would not permit the letters to go forth in these terms: he accordingly struck out the passage, and got new letters passed. Cant’s Doome, p. 391. Straf. Let. and Disp. vol. ii. p. 55. Yet people were committed and vexed in the High Commission, not for writing, but even for publishing books against the Papists and Arminians—as Sparks, Jones, Butter, Bowler, and others, Cant’s Doome, p. 185, while all such works were prohibited.—“The clergy,” says May, “whose dependance was merely upon the king, were wholly taken up in admiration of his happy government, which they never concealed from himself, as often as the pulpit gave them access to his ear; and not only there, but at all meetings discoursed with joy upon that theme; affirming confidently, that no prince in Europe was so great a friend to the church as King Charles: that religion flourished no where but in England, and no reformed church retained the face and dignity of a church but that. Many of them

or at least palliate the tax of ship-money, it has been alleged by the celebrated historian, to whose work we have so frequently referred, that the

used to deliver their opinion, that God had therefore so severely punished the Palatinate, because their sacrilege had been so great in taking away the endowments of bishoprics. Queen Elizabeth herself, who had reformed religion, was but coldly praised, and all her virtues forgotten, when they remembered how she cut short the bishopric of Ely. Henry VIII. was much condemned by them for seizing upon the abbies," &c. p. 22.

See Clarendon's State Papers, vol. i. p. 338, for the effect produced upon the French Protestants by the English ambassador, Lord Scudamore's setting up an altar in his own chapel, which they deemed superstitious. It hazarded the English interest with that party.

As Mr. Hume has been pleased to pronounce a eulogy upon this prince's government during the disuse of parliaments, "as more gentle and equitable than that of most of his predecessors," and to say that instances of great rigour "are rather to be considered as rare and detached incidents, collected by the severe scrutiny of historians, than as proofs of the prevailing genius of the king's administration," it will be necessary to make a few remarks upon that subject. With regard to the unjustifiable acts of severity and cruelty, the reader has only to enumerate those we have particularized to be satisfied of their frequency, and, as we shall immediately shew, the number was infinitely beyond what we have given. In former reigns, if, in an unsettled state of the community, an irregularity was committed by the executive, it was generally justified, or at least palliated, as necessary, by the prevailing party, who too often encouraged such acts, and was not sufficient to forfeit for the crown the popularity redounding from an administration which, as a whole, was approved of by the majority of the people. But Charles did not even conceal a determination to dispense with the very forms of the constitution; and in the case of the northern counties, that was unequivocally practised, while, in effect, the same system was carried into execution in the south. The question then is, whether this illegal system was carried through, and whether the acts of severity were calculated to intimidate men into compliance? Now, after the case of Chambers, and others, after an order to seize men's goods, and imprison their persons, for attempting

money was expended profitably for the state; that the nest of pirates at Sallee was rooted out; and that the Dutch were obliged to purchase a

to recover their property in a legal way, what opposition could be made to the duties of tonnage and poundage, though there was even a new book of rates? If the officers had been resisted, the act of the party refusing the duties assumed a new character, and would have met with a terrible punishment. Had the people risen in numbers for mutual protection, that would at once have led to martial law, trials for treason, &c. Indeed, when matters came to that crisis, it is not easy to conceive how Charles could have made concessions. That he would not is clear, from what we shall detail in regard to Scotland in the next chapter. Grant, however, that he would, what does this prove, but that he had no scruple in proceeding to any extremity which should not absolutely force his people to resist him with arms? What species of government that is, need not be remarked. Again, the cruel ruin of the sixteen soap-boilers, left no alternative to others in that line. The same remark applies to other cases of illegal proclamations; as fuller's earth, gold, corn, &c. &c. and particularly that against the nobility and gentry residing in town. The case of Sir Anthony Roper, &c. obliged others to compound in regard to depopulations. That of Moore, who, besides being so severely fined, had twelve or fourteen houses pulled down, had the same effect in regard to buildings in London: The case of Malever, &c. in regard to knighthood: The severe fines under pretext of the forest laws operated likewise there. Again, with regard to religion, the same consequences flowed from cruelty and oppression, in so much that the people were content to quit their homes, and seek an asylum in the dreary wilds of America. Mr. Hume sneers at all this, as if they were a race of bigots; while he admits, that these severities proceeded on innovations made upon the religion established by law; but are the religious feelings of mankind to be made sport of? Are they fair subjects of persecution, because they will not adopt any creed from the throne? And, then, if they have no liberty in this respect, because the king wills it, what security have they in any other? The learned historian justifies the government in this remarkable way, that the sufferers might have obtained immunity from persecution by submitting; and that they suffered from their own obstinacy. But what does any tyrant pro-

licence for fishing on the English coast at L.30,000. But, though this were all to be admitted, it would not alter the case, since it was not the amount of the assessment, but the arbitrary imposition of

pose in general to himself by severity, unless it be to reduce the people to submission? Private revenge, which again commonly flows from fear, can only extend to a few.—The learned author tells us, that the instances of rigour were rare. Have we, however, enumerated but a few? and were they not done with an object which they accomplished? An object which was nothing short of substituting a government of will for the old laws of the realm. Let us, however, inquire into their number a little. He probably proceeds in this way. Though sixteen soap-boilers were prosecuted at once, that was but one case; but, surely, it is of no earthly importance whether they were prosecuted individually or at once. About two hundred of the highest ranks were illegally prosecuted at once, in the Star Chamber, for residing in town contrary to a proclamation, Rush. vol. ii. p. 288, *et seq.*; that, too, may be called one case. See also Straf. Let. and Disp. vol. ii. p. 142. The proceedings about buildings may be termed one case; but mark what occurred. The severity towards Moore brought L.100,000 of rents under the power of the court; and the owners, to save their property as a whole, were glad to compound at the rate of three year's rent. Now, if we allow L.20 for each house, we shall find that about 5000 houses were in this condition: I think we may also allow about a proprietor for every house. The severe fine upon Roper brought about seven hundred into composition, some for L.1000, some for L.500, others for L.300. The same thing happened in other cases. Why then are we told of the inconsiderable number of instances? They were such as left no man any thing he could call his own—not even the ears in his head.

Mr. Hume says, that, in consequence of the fine imposed upon Roper, above L.30,000 were brought into the Exchequer. But, in the first place, he has not done justice to his authorities, Rush. vol. ii. p. 333. and Franklyn, p. 478, for both inform us that the commission which brought that sum extended only to the counties of Oxford, Cambridge, Warwick, and Nottingham, and that the like commis-

which the people justly complained; and every one knows that a tax imposed by a Turkish Pacha is frequently expended for a similar object. Unfortunately, however, the English had not the consolation of thinking that the money extorted from them was destined to any useful purpose: Luxury, hungry courtiers, and the Queen's French attendants, consumed the greater part of that ill-acquired treasure, while a portion of it was ap-

sions were granted for other counties. In the next place, the sum actually imported into the Exchequer, was frequently a mere trifle in comparison of that levied. And, in the last place, the Rev. Mr. Garrard thus writes to Wentworth: "Monies come in apace for depopulations; the trespassers in that kind come in apace, and compound at the council table, some for L.1000, some for L.500, some L.300, and so set up so many farms again." (It was well remarked, that if they had committed a wrong, it was intolerable that they should for money have been protected in it.) "My Lord of Canterbury hath great care of the church in this business, for by turning arable into pasture, churchmen have great loss. I hear of 700 trespassers in this kind, great and small." Straf. Let. and Disp. vol. i. p. 491. See about licensing towns to sell tobacco, p. 206. See about pulling down houses. Ibid. "It is confidently spoken," says the writer, "that there are above one hundred thousand pounds rents upon this string about London: I speak much within compass. For Tuttle, St. Giles, St. Martin's Lane, Drury Lane, Covent Garden, Lincoln's Inn-fields, Holborn, and beyond the Tower, from Wapping to Blackwall, all come in, and are liable to fining for annoyances, or being built contrary to proclamation, though they have had licences granted to do so. My Lord of Bedford's licence in this case, as it is said, will not avail him." Ib. See also p. 243, 261. See about a grant to Lords Dorset and Holland to export sea-coal to Dunkirk and other places, p. 227. N. B. In enumerating cases, I include all those any where given by us in notes, as well as in the text, and introduced indirectly as well as directly, and the members of parliament who were persecuted on the dissolution, &c.

plied towards overturning the liberties and religion of Scotland. To root out the formidable nest of pirates at Sallee, England sent only four ships and two pinnaces, (at what time could she not have done far more than this without any extraordinary exertion?) and the success of the measure arose entirely from an accidental event. Sallee had revolted from the emperor of Morocco, and he having dispatched an ambassador to instigate Charles to attack the town by sea, while himself advanced against it by land, the plan was successfully adopted. But, when it required only so small a naval force to accomplish the object, what shall be said of the English government for having permitted these robbers to commit such depredations? As the pirates of Sallee fell, the Algerines advanced to their place, and thus prevented the British dominions from deriving much benefit from the measure. These fitted out a fleet of sixty sail, took many vessels, one of them valued at L.260,000, and carried off between four and five thousand British subjects into captivity. As for the Dutch they soon resumed their fishing without a licence, and captured two East Indiamen with impunity, valued at considerably upwards of L.300,000, or above ten times the sum with which they had formerly purchased a temporary right of fishing. Nor was this all: France and Spain, as well as Holland, violated the neutrality of the English ports, and captured the merchant vessels, while "the seas were dangerous by reason of the Dunkirkers." Even the high ad-

miral complained, that such was the mismanagement of the fleet, "he could neither do service to the state, gain honour to himself, nor do courtesies to his friends *."

* Straf. Let. and Disp. vol. ii. p. 25, 50, 56, 84, 115, *et seq.* 129, 131, 138. It was imagined that the business of Sallee would have a great effect in inducing the people to submit to ship-money; and it is astonishing that so little was done with that view. The first writ went out in October, 1634, and ships were sent out against Sallee in 1637.—Sidney State Papers, vol. ii. p. 375, 435, 531. 533. Whitelocke, p. 22, *et seq.* Rush. vol. ii. p. 322.—It may well be questioned whether the sixty sail, sent out under the command of Northumberland in 1635, were all or nearly so of the royal navy. Merchant vessels were generally used, on any emergency, to co-operate with the king's ships; and see what occurred in 1636. Straf. Let. and Disp. vol. ii. p. 56. One immensely large ship, however, was built. It was of 1637 tons; the length of her keel was 128 feet; her breadth 48; height of her keel 76 feet. She was named the Sovereign, and was the largest that had been built in England, Id. p. 116. Rush. vol. iii. p. 1139, 1339. Cob. Parl. Hist. vol. ii. p. 554. Old Do. vol. viii. p. 440. Coke's Detect. p. 259.

CHAPTER V.

State of Scotland, and the intention of the King—His visit to Scotland, Coronation, &c.—A Parliament there, and measures past—Trial of Balmerino, &c.—Canons and Service-Book sent down, and the reception they met with—Commencement of the Disturbances, &c.—Expedition to quell the Scots, and their vigorous resistance; with the pacification of Berwick—Second recourse to arms—A Parliament in England, and its dissolution—Entry of the Scots into England—Treaty of Rippon—Council of Peers, &c.

IN a former part of our work we have described the distracted state of Scotland, and the general discontent which the changes in the ecclesiastical establishment and worship had produced: But it will not be improper in this place to present a rapid sketch of the various circumstances which fomented hostility to the government.

However the idea of giving a king to England might, at a distance, reflect glory upon the Scottish nation, it was with a truly prophetic spirit that the people wept at the departure of their mo-

State of
Scotland.

narch to take possession of a foreign throne, since, notwithstanding the profit derived by the young courtiers from their transference to the sister kingdom, and any ultimate benefit from a union, the immediate inevitable consequence was, that Scotland ceased to be an independent kingdom, and sank into the insignificance of a province. Many of the nobility had impatiently expected the accession of James to the English throne, as to an abundant harvest of place and emolument for themselves; but they must have early discovered, that though the first prince from the north might prefer his native subjects, the prejudice in their favour would not descend to his successors; and that amid the deep-rooted animosities of rival nations, the preference of Scotsmen to office in a foreign country, must be no less hurtful to the sovereign than invidious in them*. Though, after this prince's removal to England, Scotland retained her claim to independence as a kingdom, the first became in reality the seat of Scottish government—a circumstance that could not fail to mortify a people, who, at a much later period, so strenuously resisted a union. The proud aristocracy, who were eminent at home, felt the consciousness of degradation; that portion of the community who aimed at a laudable distinction in the state, at a time when there were such limited

* See Weldon, p. 57. regarding the feelings of the English towards the Scots in consequence of their obtaining offices, &c. on the south of the Tweed.

channels for the exertion of active talent, perceived themselves deprived of a generous field of ambition, and were naturally inclined to discontent. Prior to the union of the crowns, the power of the aristocracy was no less injurious to the body of the people, than to the pretensions of the crown: The resources of England enabled James to abridge their influence; but as men are seldom disposed to part with power, the consequence on their feelings need not be described. Had the British monarch, however, merely directed his measures to that end, he might have gained the support of the people, as he would have deserved the approbation of posterity; but he only aimed at lessening the aristocratic power, as it clashed with his own, leaving the people still naked of protection, while his religious innovations, with many of his civil, in a word, his undisguised desire to have the command of the persons and property of his subjects, "without process of the common law," begot an hostility in all ranks. They who sincerely clung to the church-policy and the established worship, to which they had sworn, for their own sake; they who were in some measure attached to the system from the opportunity which it afforded of a theatre in the General Assembly for a display of popular ability, and the Presbyterian clergy, whose interest and piety tended to the same object, all concurred in an abhorrence of the changes introduced, and the tyranny with which they were enforced. Nor could any man who loved his country, behold with

indifference the real subversion of the legislature, and the erection of new courts destructive of the general security in the law*.

The act of
revocation,
of church-
lands and
tithes, &c.

But there were other circumstances which sank deep into the breasts of the aristocracy. The prelates, since their late introduction to parliament, had, through the extraordinary institution of the Lords of the Articles, in reality obtained the command of the legislature; and to exalt them more, some great civil offices were bestowed upon ecclesiastics, which still farther contracted the sphere of ambition for the laity, while the nobles early apprehended that the establishment of episcopacy would lead to the recovery of the church lands and the revocation of tithes, in order to support the prelates in becoming state. Their fears were realized on the accession of Charles: A general revocation was published; the pulpit began to resound with the indignant cry of the clergy at withholding the church's patrimony; and the Earl Nithisdale was sent down as the king's commissioner to promote the object. The circumstance threatened to be productive of the most alarming consequences. The nobles were prepared to sacrifice the council, as well as the commissioner, to their resentment. It may afford some idea of their feelings, and of the manners of the people, to mention, that at a convention of the estates, where the revocation was proposed, Lord Belhaven, then old and blind, got himself seated next to the Earl of Dumfries,

* See Chapter in Introduction relative to Scotland. Also Row's MS. Hist. p. 223. Adv. Lib.

whom he grasped hard with one hand, as if to support his weakness, while with the other he secretly clutched a dagger to plunge into his breast on the first commotion. Intimation of the general feeling was immediately conveyed to court, and the prince, abandoning a course clearly impracticable, adopted another, which though it has been productive of the most beneficial effects, was not calculated to conciliate the nobility, while the manner of carrying it into execution is apparently inconsistent with constitutional principles.

The original grants to the nobles had been grossly illegal: Before the lands and tithes were legally transferred to the crown, they were bestowed upon favourites, and many gifts had proceeded from religious houses and bishops, who had no title to convey property over which their right was merely of a temporary nature. But even if the lands and tithes had been vested in the crown, there was no bar in law to prevent one prince from recalling what his predecessor had alienated from the royal patrimony. In this case, however, the gifts had all been ratified by the legislature, and, notwithstanding a quibble, even by the act which annexed the temporalities to the crown. Hence it seems revolting to our notions, for the sovereign to recal, *ex mero motu*, what had been so solemnly transferred: yet the course even latterly adopted by Charles involved that conclusion*. The man-

* Burnet's Memorials of the Hamiltons, p. 38. *et seq.* History of his own times, vol. i. p. 20. Forbes on tithes, and Connel.

ner in which the act of revocation was ratified by the parliament, with the subsequent proceedings, as will be seen in the sequel, still farther alarmed the aristocracy.

Tithes *upon industry* are contrary to the first principles of justice ; but those upon land are on a very different footing. In all transactions relative to the soil, every one knows the terms upon which he enters into them ; the law which protects the owner in his property, gives it to him under a certain condition, or burthen, and it would be equally preposterous for the purchaser of an estate that was burthened with mortgages—and which he bought under that deduction—to complain of the hardship of paying other people's debts, as to complain of tithes. Yet nothing is more common than to hear people, who are scarcely warm in their possessions—possessions that they never could have bought, had it not been for the burthen of tithes, &c. complain that the parsons take from them so much that they have little to themselves*. Where, indeed, agricultural improvements are projected, tithes are hurtful, because the clergyman derives part of the outlay in the shape of produce. But, as in the common case, there is no hardship, so a remedy might be provided for this without injuring the rights of parties. The Romish clergy did not escape the gene-

* This is clearly stated by Swift, vol. iii. p. 190. Nichol's Ed. He justly remarks, that the title of the clergy to tithes is older than any man's to his estate. This was a more politic ground to advance than that of divine right.

ral grudge at their exactions, though an expenditure on agricultural improvement was incompatible with the state of society; and as the tithes were, at the reformation, when taken from the church, instead of being consolidated with the right to the soil, transferred to the great aristocracy, who, under the name of titulars, exacted them with a rigour to which the people had never been exposed from the catholic clergy, it produced a dependance of smaller proprietors upon the titulars, which, with their rancorous passions, were frequently productive of the most deplorable consequences. The plan latterly adopted, and which was expressly declared to flow from a resolution to prevent that dependency on subjects, was, therefore, to insist, under a threat of revocation, that the titulars should dispose of their rights to tithes to the respective proprietors, or, as they were called, heritors, from whose estates they were exigible. The terms were, that the lands should be valued, and the tithes be estimated at a fifth of the rent; and that the heritors should obtain them at ten years' purchase, or accumulation, then a reasonable rate, allowing an adequate deduction for the value of leases which they might hold, a modicum for the support of the parochial clergyman, &c. and a tax of six per cent. to the king. Obstructions were, in the first instance, thrown in the way of this arrangement; but these were surmounted by rigorous measures, the parties being obliged to submit their differences to the crown; and, though at the outset, the measure produced discontent amongst the no-

bility, it proceeded even during the interregnum. But it could not fail to occur to all parties that, on the same principle that Charles, *ex mero motu*, set aside the authority of royal grants and parliamentary ratifications, in order to promote his views, he might afterwards, for the purpose of restoring the patrimony of the church, wrest the tithes from the heritors, whose situation rendered them incapable of a vigorous resistance. Such a pious undertaking must have been encouraged by his arch-adviser Laud, whose zeal in regard to tithes induced him to prosecute Selden in the High Commission, for denying that they were of divine origin. What heaven had commanded to be set apart for the church, no human act could lawfully deprive her of. Another part of the plan regarded the churchlands, which had been engrossed by the nobles, under the title of Lords of erection, through which the new prelacy were left without adequate livings. The plan was, that the superiorities of these lands should be transferred to the crown, at a reasonable composition, and new rights be granted, that, out of the feudal casualties thence arising, there might be a fund of augmentation for the bishops*.

The arrangement, in regard to tithes, ought to have raised up a party to counterpoise the great aristocracy; but, whether from the high rate of the purchase, the heritors paid the full value, and

* Forbes on Tithes; and Connel. Also a collection of documents in Advocate's Lib. which I presume are the MS. treatise quoted by Mr. Laing—I can find no other. Statutes in 1633.

the pecuniary difficulties into which it plunged them ; whether from an idea of insecurity in the acquisition, or general abhorrence at the civil and ecclesiastical innovations which accompanied the measure, no such consequence flowed from it. Indeed, at first a deputation was sent from the barons, (tenants of the crown, or proprietors of land) to state to his majesty that “ they were not hurt in their teinds (tithes) by the nobilitie who were agreeing for themselves ;” but it soon afterwards proceeded with some rapidity * .

Though James had penetration enough, when he visited Scotland in 1617, to perceive the fatal effects that must be produced by following the advice of Laud, to obtrude farther innovation on the

Ecclesiastical affairs.

* Row's MS. Hist. p. 232, year 1625 ; p. 234, year 1627. Mr Laing would have had the tithes “ gratuitously *restored* to the landholders ;” but I do not know the meaning of the word *restored* in this place ; for when had they belonged to the land-owners ? Not one of them, surely, could ever trace his right to any thing like the period when tithes were first given to the church. The heritors held their lands under the burthen of tithes ; and whatever might have been said about the claim of the clergy, it would have been, in my humble opinion, most unjust, nay, a revolutionary measure, striking at the root of property, to have taken the right from the titulars, which had been ratified by parliament, and confirmed by such a length of time, and transferred it to the land-owners. As to the policy of the measure, in regard to attaching the heritors to the crown in opposition to the nobility, it may be equally doubted. The nobility, who were the most powerful, would have been alienated ; and it would not have been difficult to persuade the heritors that they were merely used as a convenient medium for ultimately recovering the whole to the church : that after they were detached from the nobility, the latter would support such a step to humble them, and they would be incapable of resistance.

Scottish church, he departed from that wise policy in his old age, and was prevented only by death from attempting a greater change by persecution. Charles, who conceived that his scheme for reducing the whole of his dominions to such an ecclesiastical system as was compatible with his ideas of monarchical government, could never be completely successful while Scotland operated as an example to his English subjects to persist in non-conformity, and who imagined that he might attempt, in that country, what would still be premature on the south of the Tweed, determined to proceed in the plan of innovation with a higher hand. Laud became the supreme director of ecclesiastical affairs, and new bishops in the north were still more eager than their predecessors, or older brethren, to signalize themselves in advancing the authority of their order, and to obtain the favour of their prince, by completing his plans. The first innovators, when opposed by the popular voice, generally proceed with some degree of caution, because, however ready to sacrifice their principles to their ambition, they retain a sense of the difficulties to be encountered, and are hampered by the prejudices of their youth: But their successors, if equally unprincipled, as they have imbibed only the spirit of change, are superior to such feelings, and becoming insensible to consequences, by the hope of aggrandizement, drive matters to extremity. Thus it happened in Scotland: the younger bishops were preferred by Charles, not as for-

merly, by the recommendation of their seniors, but through their interest at court; and chiefly through the recommendation of Laud, who was naturally guided in his choice by their supposed aptitude to carry through his grand designs. These men kept apart from their seniors, and by their influence with the English primate, prevailed, by his mediation, on the king to prescribe rules to the older bishops, which they reluctantly acceded to: while these junior prelates slighted the ordinary clergy, as attached to the presbyterian government, and thus heightened the popular discontent *.

Shortly after his accession, Charles published a severe proclamation against recusants; and the presbyterians, who adhered to that religion which they had sworn to with the late king, had the mortification to perceive themselves ranked with papists, a body then held by protestants in such abhorrence. But they still so stoutly resisted the ceremonies introduced by the five articles of Perth, that, when the sacrament was dispensed in Edinburgh on *pasche-day*, in the year 1625, only six or seven people knelt. In the year 1627, (whether there was one in 1626 does not appear,) there was no communion in consequence of the popular dislike to kneel, and a letter was dispatched to Charles praying for a relaxation of the ceremonies: But he, far from listening to the prayers of his people,

* Guthrey, p. 13. *et seq.* Burnet's Memoirs of the Hamiltons, p. 29, 30.

declared himself exceedingly offended at their presumption, ordered the punishment of the ringleaders, and more rigorously enforced the ceremonies. The people were, however, inflexible: the sacrament was either not dispensed at all, or then with the greatest confusion. The presbyterian preachers were heard with reverence, the episcopal with contempt and detestation; and the folly of the latter, not to give it a harsher name, merited no better treatment. One uttered from the pulpit bitter execrations against those who did not keep *Yoole-day*; another, a prelate too, preached about the divine calling of bishops. In the proceedings in the sister kingdom, as well as in Ireland, the people descried the approaching storm. The cruel persecution of Leighton appears to have spread dismay, and together with the attempt to suppress his book, made that book to be read with uncommon avidity. The removal of Scottish ministers too, from their livings in Ireland, augured no favourable intention towards Scotland*.

* Guthrey, p. 13. Row's MS. Hist. Balmerino's Ditty, in State Trials, vol. iii. p. 605. The following is a curious letter from Sir J. Mede, Fellow of Christ's College, Cambridge, to Sir M. Sackville, dated 16th May, 1628. "The Saturday before the Monday the last week, it is said my Lord Chancellor of Scotland delivered a bold message to the king, as from the nobility and commons of that kingdom, viz. that they had been informed his majesty intended to annul the liberties of the English nation; and that seeing their privileges were the very same, and that they served the same master, they looked for the same measure, and would lose their last drop of blood rather than their liberties. He advised his majesty to follow the advice of the parliament, which, if he should once more dissolve, he would hazard the loss of his kingdom." Aysc. MSS. Brit. Mus. No. 4161.

Matters were in this position when Charles, in the year 1633, visited his native country. Joy was universally diffused at his approach*. (The remembrance of former times of glory to their nation was revived, and men ascribed to their prince the qualities which they wished not such as his previous measures had betrayed. This joy however vanished, and was succeeded by a very opposite feeling, when they discovered that his object in visiting his native country was, not to redress their grievances, but to increase them by subverting their civil constitution, and by farther violent changes on that species of worship and religious establishment to which they were so zealously devoted. The coronation as king of Scotland, was of itself calculated to inspire the highest transport in an affectionate people; but, as if this unfortunate prince had hugged the opportunity for insulting the fondest feelings of his subjects, and blighting every hope, ceremonies that savoured of popery were exhibited †. The scene is well described even by a cotemporary warm advocate for prelacy and the royal cause. "Now," says he, "it is marked that there was a four-nooked taffil, in manner of an altar, standing within the kirk, having standing thereupon two books, at least resembling clasped books, called *blind books*, with two chandlers and two wax candles, whilk

Charles
visits Scot-
land, 1633.

* Clar. vol. i. p. 79.

† Spalding, vol. i. p. 20. *et seq.*

were on light, and a bason, wherein there was nothing: At the back of the altar, (covered with tapistry,) there was an rich tapistry, wherein the crucifix was curiously wrought; and as thir bishops, who were in service, past by this crucifix, they were seen to bow their knee and beck, which with their habit was noted, and bred great fear of inbringing of popery*." The bishops' rochet on Sunday grieved and alarmed the people, and Arminianism began to be openly preached †.

The extraordinary institution of the Lords of the Articles has already been described. The whole nomination was, particularly after the act 1609, in effect centred in the bishops, who being again wholly dependent on the throne, culled out such members from the other estates as were alike suitable to their own and their master's designs. But Charles even availed himself of the act 1594, by which a member from each estate was to be summoned, of course by the king himself, to consider the bills before they were even presented to the Lords of Articles: and being well aware that, by all these measures, parliament was reduced to the situation of a clumsy engine, for ratifying

* Spalding, vol. i. p. 23. Laud violently thrust the archbishop of Glasgow aside, because from an aversion to incense the people he had appeared without the habit prescribed for his spiritual function, and substituted the bishop of Ross, exclaiming, "are you a churchman, and want the coat of your order?" Rush. vol. ii. p. 182.

† Spalding, vol. i. p. 26. State Trials, vol. iii. p. 605. Balme-rino's Dittay.

what had been previously resolved on by himself, he sat many hours in close and deep consultation with the Lords of the Articles. Besides, the nobles were even precluded from presenting articles to the Lords who sat on them, or giving advice*. His object was to obtain the sanction of the legislature for farther inroads upon the few remaining civil privileges of his subjects, and for the total subversion of the present worship, as well as of the remaining vestiges of the Presbyterian polity. Many baneful acts were passed; but there were three in particular which struck the greatest terror, and were deemed the most important. The first confirmed a power arrogated by the king to alter the habits or apparel of churchmen. The second ratified all former acts about religion, which implied a most extensive power. The last confirmed the general revocation formerly issued, of tithes and church lands. Whether Charles had fully resolved to persist in his bold scheme for recovering the patrimony of the church out of lay hands, or only intended that it should impend over the heads of the nobility to force them into submission to other measures, as in regard to religion, to the sale of tithes, and to resigning superiorities, and even part of the lands on easy terms, that a provision might be made for

Acts passed
by the Scot-
tish par-
liament, &c.

* Id. p. 606, 607. Balfour's Annals, vol. ii. p. 67, *et seq.* See also as to this subject, 4 Ch. Introd. Cowper's Apologetical Letter. He says that the bishops were named by the chancellor, and they again nominated the nobles, some of them Papists. A list of the barons (freeholders) and burgesses was given in by the king. See Lord Hailes' publication of letters in this reign, p. 47.

the present prelacy, and even for mitred abbots, the restoration of which was part of his plan—may be questioned. The first object has been imputed to him by high authority : The clergy anticipated it, and the aristocracy were alarmed *.

At first sight it appears unaccountable how any parliament should have passed acts which were even destructive of the rights of the members themselves ; but the difficulty vanishes on a closer inspection. As, after the union of the crowns, Scotsmen were advanced to English honours, so many Englishmen were created peers of Scotland, who did not hold one foot of land in that kingdom. From these Charles obtained many proxies, and as the peers and commons all sat and voted together, these were of immense consequence to the king. Then there were the officers of state, and many of the Scotch nobility themselves, who, having ruined themselves in England, were wholly dependent on the royal bounty. The act about the apparel of the clergy was purposely blended with another which recognised the prerogative, that opposition to the one might be accompanied with the appearance of resisting the other, to which few were at this time inclined on principle, and to which it would have been imprudent to have objected ; moreover all matters were passed precipitately in one day without the colour of a debate, in so much that when Lord Melville, now

* Balfour's Annals, MS. Burnet's Hist. of his own times, vol. i. p. 23. This author informs us that Sir Thomas Hope, the king's advocate, undertook to recover the lands for the crown ; but had not been sincere. Memoirs of the Hamiltons, p. 30.

far advanced in life, stood up and exclaimed to the king, who attended in person, "I have sworn with your father, and the whole kingdom, to the Confession of Faith, in which the innovations intended by these articles were solemnly abjured"—his majesty, though he was disconcerted, and even retired for an instant, soon returned, and commanded them not to deliberate but to vote. To such a contemptible pageant of state did he reduce the legislature, that, acting the part of clerk himself, he wrote down the several names as they were called, and said, "I shall know to-day who shall do me service." Yet all these arts were insufficient to command a majority: It was generally thought and declared, that the votes preponderated on the popular side, and that the clerk-register made a false return. The Earl of Rothes, who durst not have ventured so far without some just ground, started from his chair, and quarreled the clerk on the spot. But Charles instantly commanded him to be silent, or else to substantiate the charge, which amounted to treason, on the peril of his life. Rothes, knowing the insurmountable obstacles to a conviction of the offender in such evil days, when the whole influence of the crown would be interposed in his favour, and aware that, according to the principles then recognised, he should involve himself in a capital crime by a failure, prudently obeyed the mandate to be silent *.

* Row's Hist. MS. p. 250. Cowper's Apologetical Letter, MS. Rob. iii. 2—13. Adv. lib. Balfour's MS. p. 60, *et seq.* Rush. vol. ii. p. 183. Burnet's Hist. p. 22. Petition in Balmerino's Dittay, State

General
discontent.
Case of Bal-
merino, &c.

Such arbitrary measures, such a determined purpose to overturn the established religion, bred a distrust in every mind. Charles left Scotland discontented, and the dissenting part of the aristocracy soon perceived, by their marked proscription from favour, that their names had not been taken down in vain*. To remove the royal prejudice, and, if possible, to obtain some mitigation of the obnoxious acts, a petition was prepared by one Haig an advocate, to be subscribed by the nobles and presented to the throne. But, before proceeding to present the petition, which, in those days, was deemed a bold step, it was conceived to be advisable to intimate their purpose, and Charles so severely checked the Earl of Rothes, and so hotly commanded that the measure should be dropt, that it was instantly abandoned. The sequel affords an instance of an abuse of power, and of misgovernment almost unparalleled. The measures happened to be the topic of conversation between the Lord Balmerino, who had hitherto led a very retired life, and a confidential man of business, a writer or notary, whom he patronized ;

Trials. Large Declaration, p. 11, 12. Mr. Laing says that Charles, in this, rather evaded than disowned the charge of a false return ; but it is positively denied in the strongest terms.

* Clar. Hist. vol. i. p. 80, 81, 103. Charles would not speak to Rothes and others. This author's account of Scottish affairs is generally incorrect. His prejudice against that people is unbounded, and it is remarkable that he ascribes all the opposition to the laxity of government in not obtruding the innovations at once. The effect of his principles, when he got power, was bitterly felt by that nation, and necessarily defeated its object ; but experience passes over some men's heads in vain. Large Declaration, p. 11.

and when the latter had expressed his astonishment that no petition had been presented against the unfair proceedings in parliament, his lordship, having laid a strict injunction of secrecy, exhibited a draft of that just alluded to. Pleased with the production, the notary unfortunately conceived that he might, without any great breach of trust, secretly take a copy ; and with an imprudence still more exceptionable, he permitted the secret to be wormed out of him by one Hay of Naughton, who, unknown to him, was Balmerino's enemy. Hay, elated with the opportunity of vengeance, communicated the circumstance to Archbishop Spottiswoode, who posted to court, and represented that this petition contained libellous matter, and had been industriously circulated to stir up sedition *. That a pernicious libel may make its appearance under the form of a petition, either to the king or the parliament, may be admitted, and as this was composed with spirit, it would not have accorded with the usual current of the administration to have permitted any censure of public measures to pass unpunished in this shape more than in another. Yet, as the slightest examination proved the falseness of the archbishop's report, the petition, which was not composed by Balmerino, having neither been published, nor intended for publication, but abandoned, the instant the king's sentiments about receiving it were known, and afterwards merely shewn to a friend in confidence, who had impru-

* Guthrey, p. 10, 11, 12. Row's MS. p. 256 to 262.

dently, (he does not appear to have acted from a treacherous motive,) revealed it to an individual who had taken a perfidious advantage of the circumstance,—the government which could, on such a ground, strike at the nobleman's life, had reached, almost, the last stage of despotism. But Charles and his ministers had expected the cordial support of Balmerino to all the public measures meditated, and his opposition as a statesman in parliament, to the late enactments, made them ready to sacrifice him on any ground.

Balmerino's father had been condemned as a traitor in the preceding reign, but pardoned and restored to his blood and estate; and it was imagined that this ought to have bound the son in such indissoluble ties of gratitude to the throne, as to advance all its schemes; but he probably thought, with his father, that he had more cause to complain of injustice in the prosecution, than to be grateful for a remission of the sentence. During the late king's intrigues for the English crown, he had been anxious to secure the assistance of the pope in the attainment of his object, and a letter with his signature, had, in the prosecution of his schemes, been dispatched to Clement VIII. The policy was dangerous, since the discovery of it was calculated to inspire every Protestant with apprehension, and concealment was almost impracticable. But in this instance the policy seemed to be justified by successful secrecy. Elizabeth, indeed, whose vigilance nothing escaped, had got a surmise of the affair; but a steady denial by James made it be disbelieved and forgotten. After-

wards, however, Cardinal Bellarmine provoked, as well by the controversial writings of the British king, as by the disappointment of catholics in that monarch's reign, though James went as far as he durst, published this letter as a proof, either of that prince's insincerity or apostacy, and the publication roused that jealousy in protestants, for which it was intended. In his own justification, James denied all knowledge of the circumstance, and imputed it to the treachery of Balmerino, his secretary, who must have taken advantage of a misplaced confidence, to procure the signature to a document of which the monarch did not suspect the existence. The event afforded a well-founded triumph to Balmerino's enemies, Cecil, Spottiswoode, Dunbar, and others, who urged it to his ruin. He declares in his narrative, and, as he appeals to the Lords Burleigh, Lennox, and some others, for its truth, we can scarcely refuse him credit, especially when we collate this with other parts of James's conduct, that the king both knew and approved of the letter; but that he (Balmerino) was prevailed on by solicitations, promises, &c. to acknowledge the whole guilt of the transaction, saying that his majesty's subscription had been surreptitiously obtained, by thrusting this letter amongst others, which had been prepared for the royal signature: He added, (and it is charitable to believe it,) that he had been actuated by no criminal purpose, or enmity to the established religion, but merely by a mistaken idea of promoting his master's accession to the English throne. On this confession he was condemned as a traitor;

but the sentence was remitted, and himself restored alike to his estate and blood. He survived his disgrace two years.*

After his father's fall, Balmerino the son, whose case we now relate, lived much in retirement; conduct which, most likely, occasioned a misconception of his character; for nothing is more common than to attribute that to a subdued spirit, which, in reality, proceeds from the intense feelings of an indignant one; and the disappointment of their hopes from him, induced Charles, and his ministers and clergy, to concur in making him an example, to deter others from opposition to the court.

The laws about *leasing making* in Scotland, or spreading false reports about the king and his government, or not giving immediate information against the author, inferred a capital punishment, and were remarkably loose: The petition alluded to, therefore, was easily converted into "a most devilish and pestilential libel, which depraved the laws, and misconstrued the government, containing reproaches, most villainously and despitefully belcht and vomited forth against God's lieutenant on earth, by the cursed and unhappy libeller, as a venomous wasp; a libel that infected the very air, so that it was to be wondered any person should degenerate into so monstrous a contempt of the government, as to dare and presume to think

* State Trials. Balmerino's Nar. in Calderwood's M.S. vol. v. p. 373. *et seq.* and vii. p. 215. *et seq.* Howel's State Trials. Laing,

upon, much less to speak and write ; a cockatrice that all good subjects should have crushed in the egg." Haig, the author, fled the instant he heard of the apprehension of Balmerino, but addressed a letter from Holland owning the performance. The accused, however, had failed to crush the cockatrice in the egg, indeed his own accession to it was manifest, and therefore he was exposed to all the influence and sinister arts of government. He admitted having approved of the petition as a whole, but added, that he had disliked some particular expressions, and, therefore, had softened them with his own hand.

A peer in Scotland was, at that time, subject, like a commoner, to the cognizance of the criminal court, and the verdict of a jury, provided the majority were of his own order. Three assessors to the justice-general, were, in this instance, nominated by the Court of Session—Learmonth, one of their number, Spottiswoode their president, the second son of the archbishop, who had originally instigated the prosecution, and still fomented it with all the rage of unhallowed ambition, which feels a clog, or dreads a fall ; and lastly, Hay, the clerk register, of whom the petition complained, for an unfair return of the votes at the last parliament. Balmerino objected to this individual as one of his judges ; 1st, Because he had been a member of the particular committee, appointed for the examination of the prisoner, and before whom, accordingly, he had repeatedly been brought : 2dly, Because he had been consulted

Dec. 20,
1634.

with, and had given his advice about the trial. The first objection was overruled; the last was referred to Hay's judicial declaration, and as that was negative of the charge, Balmerino was obliged to withdraw his dissent. The relevancy of the indictment was denied in a very able argument for the prisoner; but when men are resolved upon injustice, under the colour of law, they seldom search in vain for the pretext they require, and the objections were overruled.

Every art to pack a jury was resorted to. The list of jurors being returned by the clerk, who was a tool of government, he took care to give in those who could be most depended on: the presiding judge who chose the fifteen, a majority of whom determined the prisoner's fate, selected such as he conceived most calculated for the business; and, while the peremptory challenge is unknown to the criminal code of Scotland, the strongest objections to jurors were disregarded. Lord Traquair, the treasurer, against whom every objection was overruled, was nominated, and became chancellor, or foreman of the jury; and yet, with all these advantages for the crown, such was the iniquity of the case, that, the nobleman was only convicted by the casting vote of Traquair, whose ill-directed talents and address, united with the influence of the crown, prevailed upon seven to join him. A moving incident occurred after the jury were enclosed, to deliberate upon their verdict. Gordon of Buckie, now in extreme old age, who had, in the preceding century, been en-

gaged in the murder of the Earl of Murray, for which he had been pardoned, a circumstance that made him be relied on with perfect confidence, implored his fellow jurors, in the most pathetic terms, to reflect that the life of an innocent nobleman, whose death would lie heavy on them, was now at stake. He remarked, that his own hands had once been imbrued in blood, (while he alluded to his crime, the tears that streamed down his furrowed cheeks evinced his penitence for it,) and that though he had obtained a pardon from his sovereign, it had cost him many a sorrowful day and night to obtain a remission also from his conscience. Every one seemed subdued by this address except Traquair, who, resuming the argument, told them that it was not their province to consider the innocence or guilt of the prisoner's intention : that the Court had pronounced a judgment of relevancy regarding the seditious tendency of the petition ; and that their duty, which was as simple as the fact was indisputable, was merely to say whether or not Balmerino knew of the writing founded on. After a long debate, seven voted him guilty, and Traquair's own vote settled the verdict. Sentence of death was immediately pronounced—a sentence which, instead of overpowering the prisoner, only excited a smile at the malice of his enemies. But, to the great chagrin of the prelates, the execution was suspended*.

March 20,
1635.

As the prelates thirsted for this nobleman's life,

* State Trials. Burnet's Hist. Balfour's Annals. Row.

so the people were most anxious for his safety. They daily assembled tumultuously in the streets, praying aloud for his preservation, applauding the exertions of his friends, and imprecating curses upon his enemies. Nay, they meditated the most desperate measures for his safety, for which many secret consultations were held; and, in the event of failing, they determined to revenge his death upon his judges, and those of the jury who voted him guilty. One party was prepared to fire their houses; another to massacre them all. This having transpired, saved Balmerino: Traquair, whom the people had devoted to destruction, trembling for his own life, hastened to court and recommended a pardon. That was yet withheld; but a respite, which was deemed the forerunner of one, was dispatched to Scotland, and diffused universal joy. It was, however, only after a tedious and unusually cruel confinement of thirteen months, that Balmerino was made a prisoner at large, on condition of his confining himself within certain bounds; and a considerable time after that elapsed before he received a final pardon. The merit of the pardon was by some ascribed to the lenity of Laud, by others to the royal clemency*.

Before proceeding to detail the consequences of this unjustifiable trial, which, in regard even to the advancement of the prerogative, was impolitic, we shall introduce a short account of Traquair, who acted so conspicuous a part on the present occasion,

* Row ascribes it to Laud, p. 263, 4, 5. Balfour's Annals, p. 80. *et seq.*

though still a greater in the ensuing troubles. From a private gentleman of the name of Stuart, he, by intrigue and unprincipled perseverance joined to considerable talent, raised himself, under the patronage of Laud, to the rank of an earl, and of secretary of state, and finally of lord treasurer. But he afterwards suffered a merited, yet lamentable reverse of fortune. Burnet informs us that himself saw that earl and his family destitute of bread; and that he was reported to have died of hunger*.

This prosecution was productive of very opposite effects from those anticipated. Instead of subduing, it awakened the national spirit, and greatly contributed to the subsequent convulsions. The gross corruption of courts of justice, and the powers arrogated by the privy council of judging both in civil and criminal matters, made men sensible of the small security afforded by the laws: so striking an instance of injustice came home to every breast; and, while all who had voted in Parliament against the late statutes, and had been since under the royal displeasure, perceived in such a proceeding, the forerunner of oppression to themselves, the act of revocation, though the measures hitherto pursued on it, were beneficial to the community, and did not hurt the patrimonial interests of the possessors of church property, taught men to reflect upon the precarious nature of their tenures. Whether, as we have observed,

* Heylin's Life of Laud, p. 349. Burnet's Hist. p. 22, and 3. Those who desire to see another instance of this nobleman's ingratitude and baseness, may consult Balfour's Annals, p. 84.

Charles still persisted in his purpose of revoking the grants, is uncertain; but all who enjoyed that species of property took the alarm, and an attempt to re-establish mitred abbots in the place of the lords of erection, which ecclesiastics expected would be accomplished with all the revenue belonging to them, confirmed their fears*. With that view, the abbey of Aberbroath was recovered from the Hamilton family, and the lordship of Glasgow from the duke of Lennox: the first was bestowed upon the archbishop of St. Andrew's, the last upon the archbishop of Glasgow. Though these were recovered to the crown at their full value, and the spirit with which the marquis of Hamilton parted with his property, evinced the feelings that pervaded the Scotch aristocracy, the restitution was designedly reputed to be a gratuitous mark of piety worthy of imitation. One Learmonth too was created abbot of Lindoris; and negotiations were set on foot for the abbey of Kelso, and other†.

* See what is said in the Large Declaration on this subject, p. 6. *et seq.* Burnet's Hist. vol. i. p. 23. Memorials of the Hamiltons, p. 30. Spalding, vol. i. p. 55. Balfour's Annals, p. 60. Guthrie, p. 13. Gordon of Straloch's MS. Jac. v. p. 4. Adv. Lib. Row, p. 264. This author informs us, that it was reported bishops were to be provided to abbeys, and that the gifts had passed the seals; but were stopt by Traquair. This was charged against Laud. See the Scotch charge in the account of his trial, by Prynne, and in Rush. vol. iv. p. 114. and in Nalson, vol. i. p. 681. Laud's Troubles, p. 95. See a very curious letter amongst extracts from the original papers of Robert, 2d earl of Leicester, Sat. 17th Sept. 1738.—about a signature for recalling church lands and tithes. Aysc. MS. Brit. Mus. No. 4161.

† Burnet's Memorials of the Duke of Hamilton, p. 30. Hist. of his own times, vol. i. p. 20. Clarendon, vol. i. p. 86.

Edinburgh, which had formerly been comprehended in the see of St. Andrew's, was now erected into a bishopric, which extended from the Forth to the Eastern Borders.

As the ecclesiastical party had been supreme in the late parliament, so every measure of government seemed fraught with some design to exalt the clergy at the expence of the aristocracy. Spottiswoode, Archbishop of St. Andrew's, whose influence had obtained for his son the presidentship of the Court of Session, was himself created chancellor, the first who had held that place from the Reformation. Some were lords of Exchequer, and nine out of fourteen were members of the privy council, where they prevailed in all questions, and insulted the proudest nobles. It was in agitation to confer the treasurership upon Maxwell, Bishop of Ross, the most servile tool of Laud, and the ablest to render him service. Other gainful offices were held by them, and churchmen were, every where, created justices of peace, a situation which the Presbyterian ministers declined as incompatible with their function. Nay, it was seriously intended to fill up one half of the supreme court with ecclesiastics, according to the original institution of that tribunal. Besides all these advantages, they were masters of the high commission, a court erected without a pretext of law, and they procured warrants from the king to institute subordinate commissions in every diocese with inquisitorial powers, a measure partially carried into execution, and which crushed at once the Presbyterian clergy. Thus, not only was the field

of ambition for the laity daily more and more circumscribed, and the Presbyterian clergy despoiled, but the community at large threatened with subjection to the hierarchy, who fined and imprisoned gentlemen of quality. Their infringement of public rights was indeed gradual, but though this prudence, in some degree, lulled the general jealousy, matters soon became intolerable *. To have expected satisfaction in the high classes, whose religious propensities all inclined towards the old establishment and worship, would have been to calculate upon a new phenomenon in nature. But, as if the prelates longed for the opportunity to triumph with all the officiousness of upstart insolence, they so abused the royal favour as to make the proudest nobles sensible of their power. One instance will suffice; Lord Lorne, afterwards the famous Marquis of Argyle, having complained at the council of a fine imposed upon one of his friends by Sydserf, Bishop of Galloway in his subordinate commission court, for disobedience to the injunction to kneel at the sacrament, which he called idolatrous; Sydserf, though the charge was well-founded, directly gave that lord the lie, before the whole council, a circumstance

* Balfour's Annals, MS. p. 85. Spalding, vol. i. p. 41, 57. Guthrey, p. 13, 14, 16. Clarendon, vol. i. p. 87. Burnet's Memoirs of the Duke of Hamilton, p. 30. Rush. vol. ii. p. 386. MS. Adv. Lib. Rob. iii. 2, 1. Account of the Introduction of the Service Book, Row's MS. p. 263, 264. Hist. Inf. MS. Adv. Lib. p. 1, 2. The caveats passed in the early assemblies of James were omitted in the late statute. May, p. 30. Baillie's Lett. vol. p. i. 3.

which offended all present, and wounded the pride of the nobility *.

In this way, there were the strongest ground for discontent, independently of religious sentiments ; but the injury done to the last, kindled a general flame throughout the kingdom. The Arminian tenets were studiously introduced, with the object, as it was alleged, of trying the temper of the nation, and preparing it for the other grand innovations which had been resolved upon.

The new prelate of Edinburgh, who had received his education at Cambridge, and been selected for his principles, (such men only were advanced,) anxious to testify his aptitude for the place, and gratitude for the gift, insulted the popular feelings in St. Giles' Church, which was converted into a Cathedral, by language that imported transubstantiation, though he wisely suppressed the word ; and by telling his audience that they were bound to believe whatever was taught from the pulpit, as the

* Clarendon, vol. i. p. 87. Spalding, vol. i. p. 56. Baillie's Let. vol. i. p. 3. It is said that Lorne instigated the other in his contumacy. This proves, amongst many other things, that Lorne was uniform in his conduct. Mr. Laing, laying hold of an insulated fact, which he would have found fully explained in the same work, as well as others, says that Lorne, or Argyle, was forced to join the Covenanters, by the discovery of a plot formed at Court with the Earl of Antrim, to invade his country from Ireland, for which he was to be rewarded with Kintire. But surely the learned gentleman might have considered that, though this might account for Argyle's conduct, it would not for that of Charles and his advisers. Why should the king, who appears to have had an early respect for Lorne, form any plot for his ruin ? His Majesty and his advisers, as we shall prove, acted upon the ordinary principle of assaulting a powerful individual, whose opposition they dreaded.

preacher was alone responsible for unsound doctrine. His opinions regarding Catholics, though abstractly charitable and humane, were imprudently introduced: he maintained that the Pope was not antichrist, and that Papists might be saved. The liberality of the doctrine was ill-timed, considering how the intention of forcing the nation back into the Romish principles was apprehended. The more immaterial the points of difference, the more liberal and enlightened the ruling party, the less apology was there for violently obtruding innovations upon that people. After the king's departure, the English service, with all the new pomp and ceremony, was ordered to be used in the royal chapel; and because Maxwell, the bishop of Dunblane, who dreaded the consequences of the popular indignation, did not punctually obey the mandate, he incurred displeasure, and lost the chance of preferment *.

While the kingdom groaned under the load of such accumulated oppression, and so many causes of

* Row's MS. p. 253 and 254. Hist. Information, MS. p. 2 and 3. Clarendon, vol. i. p. 86. See M. 6, 10. MS. Adv. Lib. King's Letter, 12th Oct. 1633. 2d, Laud's Letters. No. 13, Jan. 1634. No. 14, May 6th, 1634. No. 16, July 1634. No. 19, May 19th, 1635. These four last are published by Hailes. See also p. 1. and 2. of that publication. It would appear that the judges and other members of the college of justice had declined to obey the injunction to receive the sacrament kneeling at the royal chapel, and Charles sent down a most peremptory order. Introduction to Laud's Trial, p. 148, *et seq.* The bishop of Dunblane's caution ought to have moderated the ardour of Charles and his advisers. For this, Maxwell had been formerly obliged to leave Scotland to avoid the popular resentment, and had been sent down again by Laud as a fit tool. Baillie's Cant. Self Conviction.

discontent existed, it required only some common bond of union, in all classes, to raise the spirit of insurrection ; and that was afforded by the introduction of ecclesiastical canons and a liturgy, without the sanction of the legislature, or even of the church. At the packed assembly which was held at Aberdeen, in the year 1616, where measures were necessarily carried for the crown, it had been resolved that it was expedient to have uniformity of church government throughout the kingdom, and ordained that a book of canons, compiled from the books of previous assemblies, and, where these were defective, from the canons and ecclesiastical conventions of former times, should be prepared and printed for the common use. This business had been entrusted to Law, archbishop of Glasgow, and Mr. Struthers, minister of Edinburgh, who were appointed to deliver the draught to commissioners nominated by the assembly, with power to try, examine, and allow the same, after which the canons were to be presented to the king, whose ratification was to confer on them the validity of law *. The arts, however, which had been employed to pack, influence, and overawe that assembly, were so flagrant, as utterly to defeat its object : all men scorned the acts of a meeting which, though it obtained the name, had none of the characteristics of that general assembly of the Church, to whose determinations they were accustomed to submit ; and from the opposition to the five articles of Perth, the intention was suspended during the life of James, while the commission fell. Charles, who

* Calderwood, p. 655, 6, 7, and 664.

was fully determined to impose canons and a liturgy upon the people, resolved at the same time, that they should be drawn from other sources than acts of assemblies, and be effected by very different instruments.

The pretext for the innovations, was the desire of uniformity throughout his majesty's dominions; yet both the canons and liturgy differed very materially from the English—thus defeating the pretended object; while all the variations approached more closely to the Romish tenets, and partook of the spirit of those novelties which were every day covertly obtruded upon the sister kingdom. Hence it was fairly concluded that an experiment was begun with Scotland, whose resources were too much contemned, which might afterwards be extended to England. On the other hand, it was alleged by Charles, that it having been deemed more honourable for Scotland to have canons and a liturgy of her own, so individuated as might preserve for her the character of an independant nation, the Scottish bishops were commanded to prosecute the work, which they ultimately completed according to the original plan of the assembly of Aberden. But the statement in the large declaration is contradictory in itself, and not quite consentaneous to that of Laud, who says that both he and his master were anxious for the English canons and liturgy entire; but that the Scottish bishops insisted so strenuously on having something peculiar, that their desire was acceded to; while there is the fullest evidence in support of the opinion entertained by the opponents of the measure; and it

must occur to every one as perfectly obvious, that, since truth is uniform, if the English canons and liturgy were complete, the variations must have been heterodox; and that, since there was confessedly from the fact itself, of the difference between the English and those for Scotland, a fair ground for variety of opinion, nothing can excuse the bloody spirit with which they were forced upon that people. But the truth is, that the whole business was entrusted to four only of the bishops—to four who had owed their advancement to Laud, and were still ambitious of further preferment from the same source: that Laud corresponded with them during every stage of the work: that both the canons and liturgy were submitted to his revision, and materially altered by him, and then printed under his directions: That the measure was against the decided opinion of the older Scottish bishops; and that they were threatened with the loss of their places, if they declined to exert themselves in promoting the undertaking. Now, surely he who plans and superintends a work, must be deemed the architect, and not the humble artisan who labours by his directions. The employment of the four Scottish bishops was politic on several grounds; it, in some manner, screened Laud, and by making them parties to the design, stimulated them to advance it*.

* This is a matter of considerable importance, and has been generally misunderstood. Mr. Laing, whose research in Scottish history has deservedly gained him credit, has fallen into the same error; and as it will be necessary to prove the matter at greater length than is compatible with a note at the foot of the page, the reader is referred to note B. at the end of the volume.

The Scot-
tish canons,
1636.

The canons were published a full year before the liturgy, and were of the most extraordinary and arbitrary description. In England it had been deemed expedient to set up a plea of divine right in the Church, independent of the civil government; in Scotland, and nothing more clearly proves how ready the patriarch was to sacrifice his principles to his ambition,—all power in ecclesiastical affairs was imputed to, and arrogated by, the crown. The punishment of excommunication, a punishment which inferred the civil consequences of outlawry and confiscation of moveables, was provided for all who should deny that the king possessed the same authority in causes ecclesiastical, that the godly kings had amongst the Jews, or the Christian emperors in the primitive church, and likewise for those who in any shape impugned the royal supremacy. Another ordained the same dreadful punishment for such as should question the mode of worship, or service, contained in the book of common prayer, and the prescribed administration of the sacrament; a canon assuredly of the most tyrannical nature, since the very book which the people were thus enjoined to consider as perfect, was not published for a year subsequent to the promulgation of the canons. But that which regarded the administration of the sacrament, was calculated to excite the most general alarm. The doctrine of the leading members of the English church, maintained the real presence in the eucharist, to be a fundamental principle of that church; while the orders to convert the communion table into an

altar, and furnish it with carpets, linen-cloths, basons, chalices, crucifixes, &c. had inspired a general understanding, that the object was to introduce the sacrifice of the mass, &c. The Bishop of Durham himself had declared that the reformers, when they took away the mass, deformed, instead of reforming religion. But in the case of Scotland, an injunction that the elements, as if really transubstantiated, should be consumed by the poorer communicants before they left the church, confirmed the common alarm. The idea of the Romanists is, that the salvation of new born infants, who immediately die, depends upon their being baptized; but the Presbyterians held this to be a damnable opinion: yet the Scottish bishops maintained openly, that new born infants who die unbaptized, are consigned over to everlasting perdition; and while a font was prepared for the holy water, the ceremony was enjoined, as had formerly been done, to be performed privately; as if, according to the presbyterian clergy, it were a charm to be wrought in a corner. Marriage was by the presbyterians esteemed merely a civil contract, and dissoluble on certain grounds; by Laud and his party, it was held to be an indissoluble sacrament; and, by the new canons, divorces were merely to extend to separations, *a mensa et torro*; while the publication of banns might be dispensed with. Ordination too, like a real sacrament, was restrained to four seasons in the year; and no preacher was to be permitted to deviate from the yet unseen book of common prayer. To strike at

the sabbatarian doctrine, and subvert the power of the popular clergy, fasts too were prohibited; on Sunday auricular confession and absolution, which, according to Clarendon, "the Scots considered the most inseparable tenet of Antichrist," and which was undoubtedly a mighty engine in the hands of the priesthood, were prescribed in substance, the presbyter, while he granted absolution, being ordered to conceal the confessions of the penitent, unless they were such, as by the laws of the realm, the priest's own life might be exposed for concealment. But no sentence of excommunication was to be pronounced, nor absolution from one given, without the leave and approbation of the bishop of the diocese.

In order to remove the very appearance of freedom in the people, and to subvert the whole fabric of the established ecclesiastical government, some vestiges of which yet remained; to subdue the popular spirit by infecting it with superstition, and to exalt the hierarchy, the following regulations were devised: That whoever questioned the lawfulness of consecrating bishops, or their divine right over the rest of the clergy, should be excommunicated: That every ecclesiastic should take the oath of supremacy: That no preacher should impugn the doctrine delivered by another, in the same church, or any near it, without the permission of the bishop, "which the presbyterian clergy conceived to be the way, to pin their whole religion to the bishop's sleeve;" and that no private

meetings should be held by presbyters, *or by any other persons whatever**, for expounding scripture, or for consulting upon ecclesiastical affairs, such matters being only fit for the prelates in their synods: That neither presbyters nor laymen should, jointly or severally, under the pain of excommunication, either make new rules, orders, or constitutions, or detract from those established, without his majesty's authority, and that no assembly should be called except by the king; while its acts required to be confirmed by his power: That no man should teach either in public or private, without a licence from the bishop of the diocese, or archbishop of the province under his hand and seal, (those again were enjoined to licence, such only as were of good religion, and obedient to the orders of the church :) And that nothing should be printed without a licence from the visitors appointed for that purpose, under a penalty at the discretion of the prelates. It was further advanced, with a view to raise the clergy, that no presbyter should, under the pain of suspension, become surety or cautioner in civil bonds or contracts for any person whatever: and that such bishops and presbyters as should depart this life, having no children, should leave their goods, or a great part of them, to the church and for holy uses; and, notwithstanding their having children, that they

* Clarendon prudently sinks this clause, printed in italics, mentioning only meetings of the clergy, vol. i. p. 106.

should leave some testimony of their love for the church and advancement of religion *.

These canons were obtruded upon an indignant people without a shadow of legislative, and, what displeased the Episcopal clergy themselves, without even any regular ecclesiastical authority. Nothing further was deemed requisite than a letter from the king, followed up by an order or act of the privy council, which was poorly attended, and composed of members suited to the business †.

The powers claimed and exercised by the king, together with the very nature of the canons, implied a right to make further alterations at his pleasure. Indeed, if his right, as vicerent of heaven, to make the laws which were imposed on this occasion, were recognised, there seemed to be no limit to regal authority: For the power that legislates must be qualified to adapt laws to the exigency, to abrogate, or change them, according to the varying ideas of expediency, of which it is sole judge. But Charles and his advisers were aware that, however unbounded his pretensions, there possibly might be some limits to the people's patience; that, consequently, it might not be altogether prudent to usher in all at once the whole novelties which presented themselves to "a restless spirit, that loved to toss and change, and bring things to a pitch of reformation floating

* See this printed before the Canons. Row's MS. p. 266, *et seq.* Heylin's Life of Laud, p. 299, *et seq.* Clar. vol. i. p. 106, 108.

† Ib. and Hist. Inf. p. 2.

in his own brain :” And that, considering how distasteful to the kingdom were such innovations, it was necessary to invent a pretext for future change, lest the people, perceiving no end to alterations in doctrine and worship, should resolutely oppose the measures. A canon was therefore devised, which, while it conferred no farther power than was implied by the others, and was expected to pass unnoticed, was admirably calculated to afford a colour for subsequent innovation : “ For as much as no reformation in doctrine or discipline can be made perfect at once, in any church : Therefore, it shall and may be lawful for the kirk of Scotland, at any time, to make remonstrances to his majesty or his successors,” &c *. The poor people of Scotland were prohibited, under the most terrible penalties, from impugning a liturgy they had not seen, or expounding the Scriptures amongst themselves, by which they might judge of the doctrine ; and yet it is announced by the very act which imposed it, that the doctrine or discipline could not be perfect ! But the kirk might represent. Now, as all meetings were interdicted, except of the bishops in their synods, the conclusion incontestably is, that the prelates only, who were mere tools of government, should have power to address the throne against any of the innovations ; in other words, that they who were moved at the royal discretion, should at any time apply for farther change. Laud was most eager for this canon

* See the Canons, 4th of C. 8.

as well as for its being undetected by the people. "*I am very glad,*" says he in a letter to his great instrument, Bishop Maxwell, wherein he encourages that prelate to proceed without fear in God's cause and the king's, "*I am very glad your canons are also in so good a readiness, and that the true meaning of that one canone remains still under the curtaine. I hope you will take care that it may be fully printed and passed with the rest. 'Twill be of great use for the settling of the church *.*"

As the canons were not at that time published, it is evident that even the few who were instructed, were not let into all the secret intentions of the court. By another part of that letter, we likewise discover that the liturgy was then in greater readiness than the canons, and we learn from Baillie, that one edition was disposed of to the tobacconists and grocers as waste paper. But Laud

* This letter is published by Hailes ; but I have copied the above from the original, c. 10, No. 20, September 19, 1635. One would imagine that the passage was beyond the power of a quibble ; but see a proof of Laud's jesuitical dexterity regarding it in the Hist. of his Troubles, p. 101. Regarding this work, I shall just remark, that it is merely notes of his defence to the impeachment, and that his admirers would have acted prudently in allowing it to lie under the curtain. They, however, appear to have protruded it upon the public as a sort of deathbed declaration, which was fit to be regarded as a complete refutation to direct evidence against him. It is only necessary to observe, that he does not scruple to declare himself to have been a friend to the constitutional liberty of the people and the laws, and to say that he never advised arbitrary taxes. Laud does this, whose very letters breathe nothing but recommendations of "*thorough,*" who encouraged Manwaring's and Sibthorp's sermons, and whose whole civil and ecclesiastical administration subverted every thing like rights in the community.—Baillie's Let. vol. i. p. 14.

had many alterations to make, some of which required explanation, even from the Scottish bishops, of their own meaning; and when a copy of the liturgy was transmitted to him by Archbishop Spottiswoode, written only on one side, the numerous additions, abstractions, &c. necessarily led to much delay. In the meantime, the Presbyterian clergy, who descried in the canons, the subversion equally of their own importance in the community, and of the religion they professed, were not deterred by the threatened penalties from warning the public, both by conversation and pamphlets, of their danger.

The liturgy at last appeared and justified the general apprehension. The English was sufficiently repugnant to the Presbyterian principles; but this differed from it materially. It was alleged, and whoever will peruse the writings of Baillie and Prynne, will allow that the allegation was not made without cause, that it was extracted chiefly from the missal and the breviary: It inculcated in substance, whatever in the popish faith, particularly in regard to the communion, the people held in the greatest abhorrence. The consecrated water with the cross in baptism, the ring in marriage, &c. were offensive; but the rubric, in regard to the communion, the prayer of consecration, importing the real presence, &c. together with an altar in the place of a table, the offertory, &c. betrayed their original, and indeed were a translation from the missal. The real presence was indubitably implied, and as the altar imported a sacrifice, so

Liturgy,
1637.

the word sacrifice was used ; while the presbyter * was enjoined to consecrate the elements standing before the altar, and of course with his back to the congregation, according to the Romish custom, so that he could not be heard, which supplied the place of consecration mumbled over in a dead tongue ; and as this posture was enjoined, “ *that he might freely use both his hands,*” it was concluded that it was intended to usher in the elevation of the host †. Then, besides the fair linen cloth for the altar, there was other decent furniture prescribed, which was shrewdly supposed indicative of a purpose to usher in crucifixes, according to the new practice adopted by Laud at Lambeth and Croydon, and to what had been done even in Scotland at the late coronation. Reverence too, was enjoined to the altar, which, though

* The word presbyter was allowed in Scotland as a great concession to the prejudices of the people, instead of the derivative, priest, which had been lately introduced with much pomp into England. Heylin’s Life of Laud, p. 348.

† At the famous Council of Trent, there was a strong party for allowing communion in both kinds, and in the vulgar tongue. But both points were overruled ; it having been held that the first concession would only induce the people to demand something greater ; and that the second, would awaken them to new disputes, and make them throw off the implicit reverence for their teachers. See Sarpi’s or Father Paul’s Hist. But a different reason for the practice was assigned, for the satisfaction of the vulgar :—that some peasants had caught the words of consecration from the priests, and pronounced them over their ordinary meal in the fields, when the bread, to their utter astonishment, was instantly converted into flesh, and fire from heaven destroyed both them and it. Henceforth the consecration was ordered to be pronounced, not only in a foreign tongue, but inaudibly. Baillie’s Parallel, p. 44. Laud’s innovations effected the object.

the English primate affirmed, as we have shewn formerly in a note, was different from the worship paid to the Supreme Being, was not distinguishable from it by a carnal multitude. The rubric, in regard to the decalogue, prescribed that the people, (who were ordered to kneel all the while,) should ask forgiveness of every commandment as it was read, "either according to the letter, or to the mystical importance of the said commandments"—a rubric which destroyed the morality of the commandments, and was not unreasonably presumed to be levelled at the second and fourth: The one in its literal sense being subversive of the principles by which crucifixes and other images had lately been introduced by Laud into English churches, and the other, of his doctrine about the Sunday. Hence the second commandment had been wisely delete by the Catholics from their missals, breviaries, &c. as only ceremonial, and calculated for the Jews, not the Christians: By the spirit of mysticism, the object might be indirectly accomplished till matters were ripe for farther change. The loss of the Sabbath was supplied by holidays, and the calendar was crowded with saints; nor did certain prayers, extracted from the missal, in commemoration of saints, fail, when compared with the late doctrine on the south of the Tweed, to frighten the people with the idea of an intention to restore the worship of them. Many other alterations on the English service were complained of; and the whole was so direct-

ly repugnant to the genius of the Presbyterian system, and the feelings of the nation, that it would afford no apology for Charles and his advisers, to prove that the liturgy was, in some respects, misconceived, and that the alterations upon the established faith and worship were intrinsically unimportant *. This last, indeed, is the most wretched excuse ever invented for that unfortunate prince; since, if they really appeared unimportant to himself, on what ground shall his conduct be vindicated for his resolution to impose them even with fire and sword? If he considered them in a different light, ought not the same charity for his understanding to be extended to his subjects? Or are the errors of bigotry and superstition only excusable in princes and their ministers, while the people must not even presume to murmur at any of their arbitrary innovations? But of what radical importance they were in a religious sense, we have already shewn, while the canons were destructive of the civil rights of the community, and the monarch's eagerness for these novelties was the offspring of love of power alone †.

The liturgy, like the canons which enjoined it, was sanctioned, neither by the legislature, nor by

* Baillie's *Canterburean's Self-Conviction*, and a *Parallel betwixt the Scottish Service-Book and the Romish Missal, Breviary, &c.* Prynne's *Necessary Introd. to Laud's Trial*, and the *Trial*.

† This will fully appear in the sequel. In regard to the general feeling as to the invasion of public rights, see *Hist. Inform.* p. 29, 49, 58, 79.

any ecclesiastical assembly. A letter was transmitted by the king to the privy council, commanding them to authorize and enforce it; and a proclamation was immediately issued by that obsequious body, prescribing the service book, under severe penalties, to both clergy and laity, as the only species of worship which his majesty thought fit to allow, and commanding every minister of the gospel, upon pain of being esteemed a rebel, to purchase two copies of it for his own use, and that of his parish. The council, though a lay meeting, was, in reality, composed of the bishops: Eleven members constituted a quorum, and that number was expressly selected for the occasion: Nine of them were ecclesiastics, and the other two were unprepared to vote, as they had not even seen the book which the meeting authorised and enforced *.

Proclamation for
the liturgy.

The proclamation spread an instantaneous alarm throughout all ranks of the kingdom. The presbyterian clergy exposed the popish doctrine and practice in the liturgy, which they compared to the mass-book, and roused the piety of the kingdom to resist innovations which at once swept before them whatever their fathers had deemed valuable amongst men. On this one point, all the various causes of discontent were concentrated; a bond of union for all ranks being afforded by a

* Hist. Inf. p. 3. This work was drawn up by the Earl of Rothes. Row's MS. Baillie's Letts. vol. i. p. 2, 4. See also continuation of this letter in the MS. It is broken off unaccountably in the printed copy.

project, equally injudicious and wicked, to subvert, not only the civil rights of the country, but the established religion to which the people were so warmly attached.

The most prudent of the council and moderate of the bishops perceived the consequences of such ill-advised measures, and the primate himself inclined to defer the accomplishment of the object for a season. But the clashing of interests marred this prudent counsel, which might possibly have moderated the royal ardour as well as that of Laud. The office of high treasurer had lately become vacant by the death of John, Earl of Mar, and the prelates, anxious to fix the office on their own coat, for which they had an example in England, supported the pretensions of Maxwell, bishop of Ross: The aristocracy were alarmed, and, though they disliked Traquair, strenuously supported him to prevent a precedent so injurious to their own interest. The Earl was chosen, and the prelates entered into intrigues for his fall. He, on the other hand, was no stranger to these intrigues, and having for some time borne a deep grudge to the Scottish primate for disappointing him in a marriage that he intended for one of his cousins with a rich heiress *, determined to humble them. With this view he procured a warrant to dissolve the commission of tithes, and thus thwarted the primate in his hopes of augmenting his revenue, and stopt a gift of L.5000 Sterling to the

* See Row's MS. p. 184. Guthrey, p. 12.

Archbishop of Glasgow. The two arch-bishops resolved immediately upon a personal journey to London to complain of injustice ; and, conceiving that they could not render a more acceptable service to the crown than by obtruding the liturgy, they procured an immediate order from the court, and without the concurrence of the council, as well as contrary to an agreement which was publicly announced by the bishop of Edinburgh, to defer it till the autumn, commanded it to be intimated from the pulpit that the service should be used on the next Sunday. They imagined that by taking the people by surprise, they should have less cause to apprehend resistance : But they were mistaken. The apparent perfidy of this unexpected resolution kindled rage, it having been well remarked that “ they who are false to God cannot be true to man ;” and, during the whole week, the public mind was agitated by pamphlets and discourse. The late prosecutions of Prynne, Bastwick, and Burton too, made the people apprehend similar proceedings in the north, should the power of the prelates be submitted to. Some episcopal writers assert that there was a preconcerted plan to obstruct the service by violence ; but, though it would be too much to deny the assertion, there does not appear sufficient evidence (no proper inquiry into the fact was ever instituted) to authorize the belief of it. But it is clear that the ideas of the better informed were transfused into the lower ranks ; and that the latter perceived them-

selves countenanced by their superiors in the ensuing tumults *.

Tumult at
the intro-
duction of
the service-
book, 23d
July, 1637.

The tumult on the Sunday is acknowledged to have been the greatest that had occurred from the Reformation †. I shall therefore, in order to convey a correct picture, freely borrow the language of cotemporaries. “In the Grey Friars church,” says Sir James Balfour, a cotemporary who applauds the resistance he describes, “their was such a confused acclamation, such a covered-headed gazing, (for that was the greatest reverence that was given to the new service) such a wringing of handis, and such effusion of eye-streams, that Mr. James Fairlie the ordinar pastor (and now bishop of Argyle) was forced to put ane end to that patched work before he had scairce begun †.” In the high-church, which had now been converted into a cathedral, the tumult was still greater. The bishop and the dean came accompanied with the archbishops and other prelates, the Lords of Session, and the magistrates, in order to give the service greater solemnity: but the book was scarcely opened by the Dean, when a number of the meaner sort of people, “with a clapping of their hands, cursings, and outcries, raised such an uncouth noise and hubbub in the church, that not any one could either

* Balfour's Annals, M.S. vol. ii. p. 84. Baillie's Let. M.S. vol. i. printed copy, p. 4, 5. Guthrey, p. 20. he gives the very names of the women who were alleged to have been instigated by Balmerino and Sir Thomas Hope, the king's advocate, as acting for the rest. Spalding, vol. i. p. 58. Heylin's Life of Laud, p. 347, 357. Hist. Inf. p. 5.

† Baillie, vol. i. p. 5.

‡ Balfour's Stonie-Field Day.

hear or be heard. The gentlewomen did fall a tearing," (shedding tears) "and crying that the mass was entered amongst them, and Baal in the church *." Females of the lower class, cried, "sorrow, sorrow, for this dreadful day, they are bringing in popery amongst us †." "The dean was mightily upbraided. Sum cried, he is one of a witche's breeding and the deville's gette," (child.) "No wholesome water can cum furthe from such a polluted fountain, &c. Others did cast their stools against his face; others ran out of the kirk with a pitiful lamentation, so that the reading of the service-book was then interrupted ‡." The bishop, expecting greater reverence from his office, mounted the pulpit §; but "false antichristian wolfe, beastlie belligod, and crafty fox, were the best epithets and titles of dignity which were given him ||."—All admit that one stool was thrown at his head, which he narrowly escaped; but Gordon and Whitelocke tell us that whatever was within the people's reach, was hurled at him and the magistrates found all their authority insufficient, either to stop the disorder, or to protect the prelate. By an effort, the most unruly were thrust out of the church; but becoming more infuriated, they tried to force the doors, and having broken the windows they threw in stones, "crying a pape, a pape, antichrist, stane

† Gordon of Straloch's MS. p. 5.

† Row's MS. p. 281.

‡ Balfour's Stonie-Field Day. § Row, p. 281. || Balf. Ib.

him, pull him down*.” Balfour, in recounting what occurred after the congregation left the church, together with the speech of a woman, says, “no less worthie of observation is that renowned Christian valyancie of another godly woman at the same season; for when sche hard a young man behind sounding furth *Amen* to that new composed comedie, (Godis service, or worship it deserves not to be called) which then was impudentlie acted in the public sight of the congregation, sche quicklie turned her about, and after sche had warmed both his cheeks with the weight of her hands,” (Gordon of Straloch † tells us that she increased their weight by that of her bible) “sche thus shot against him the thunderbolt of her zeal: False thief, said sche, is their na uther pairt of the churche to sing mess in, but thou most sing it at my luge? The young man being dasched at such a sudden rencountre, gave place to silence by way of recantation ‡.” After the congregation left the church, the fury of the multitude first discharged itself against one of the bishop’s clerical attendants: “A voluntarie,” says Balfour, “who cam officiouslie to say *Amen*, was put in no small danger of his life. His gown was rent, his service-book taken from him, and his body pittifullie beatten and bruised, so that he cryed often for mercie, and vowed never after to

* Large Declar. p. 23. Rush. vol. ii. p. 387. *et seq.* Whitelocke, p. 27. Gordon of Straloch’s MS. p. 5.

† See his MS.

‡ Balfour’s Stonie-Field Day. This is the circumstance which gave rise to the story of a woman beginning the tumult, by throwing

give his concurrence to such clagged devotion *.” The bishop’s lodgings were within a few paces of the church; but he was intercepted in his passage thither, which, owing to his great corpulency, was none of the quickest, assailed with dirt, reproaches, curses, and well nigh trodden to death, when he was rescued almost breathless from the infuriated mob—a rescue that seems to have been lamented by men of rank. Sir James Balfour remarks of the assailants, that “if their handis had been as active as their minds were willing, they would have demolished the great bull which they aymed at:” (such language, levelled apparently, like the other reproaches, at the ecclesiastic’s corpulency and devotion to the belly, did this unhappy attempt to undermine the national worship draw from a gentleman and scholar of that age.) “A certaine woman,” continues the same writer with much satisfaction, “cryed, fye, if I could get the thrapple” (windpipe) “out of him: And when ane replied that tho’ sche obtained her desire, yet their micht presentlie chance cum a mucche worse in his rewme; sche answered,—after Cardinal Beaton wes sticked,” (stabt, run through the body) “we had never another cardinal sin syne; and if that false Judas the bishop were now stabt and cut of, his place wold be thocht so prodigious

a stool—a story which I can only trace to De Foe’s Memorials of the Scottish church. Yet Mr. Laing quotes Gordon of Straloch’s MS. along with De Foe for it. The uproar was predetermined and instantaneous; and violence seems only to have been resorted to according to the natural course of things, as the passions warmed and the confusion promised to prevent detection.

* Balfour’s Stonie-Field Day.

and ominous, that scarce any man durst hazard or undertake to be his successor." This speech, it may be remarked, though, to the present age, it discover the temper of a coarse female mind, shewed intelligence superior to what could possibly belong to the lowest rank of society, and affords proof, amongst other things, that the episcopal faction were not far wrong in imputing a participation of the tumult to people of a higher class than was acknowledged by the opposite party.

The service was secured from interruption in the afternoon, by certain precautions, particularly precluding the women; but the bishop, conceiving himself no longer safe in his own lodgings, got himself conveyed in the Earl of Roxburgh's coach to Holyrood-house, situated at the farther end of the town, and at the distance of about three quarters of a mile from the church. But such was the increasing fury of the populace, that the Earl's numerous attendants, with drawn swords, could scarcely prevent them from rushing in upon the carriage, that they might drag forth the object of their resentment and tear him to pieces. When they found this impracticable, they endeavoured to reach him with stones, which they continued to shower upon the carriage till its arrival at Holyrood-house. It is said in the Large Declaration by the king, that the prelate had nearly suffered the death of the first Stephen the martyr*.

* Balfour's Stonie-Field Day, MS. Row's MS. p. 281. *et seq.* Rob. iii. 2. 1. MS. Adv. Lib. p. 36. Woodrow's MS. 4to. Adv. Lib. p. 83. This is a transcript of Balfour, only a little softened. Thus in recounting the attack on the bishop, he says of the woman who

The humour of the people did not subside with this expression of it. They determined on still bolder measures, if the service-book were again attempted to be used. The reflecting part of the community were full of melancholy forebodings; but, as for the bishops, whose fears suggested sanguinary measures, thus incurring the evil they wished to shun, they procured a proclamation of council, dated the 24th July, 1637, denouncing death, without mercy, to all who spoke either against their body, or the inferior clergy*.

A prince who had proceeded so far in an arbitrary course, was not likely to abandon it now, that his pride was, with the whole principles of his reign, so deeply engaged; and if matters were to be pushed to extremity, there was reason to apprehend direful measures, both to punish the past disorder, and prevent its recurrence. The town-council, as responsible for the city, endeavoured, by letters full of submission, to deprecate the wrath of Charles, and of his ghostly adviser, imputing the tumult to the "rascal multitude." The chancellor, archbishop Spottiswoode, in his dispatches accused his enemy Traquair, the treasurer, for his absence; while the other deeply cen-

wished the prelate's thrapple, "I persuade myself this did not proceed from malice to his person, but zeal to God,"—a fit distinction for a casuist; but I suspect it was above the woman's capacity, while Balfour approves of her spirit as directed literally against his person. Hist. Inform. Copy in Woodrow's col. MS. vol. xi. p. 3, *et seq.* Rush. vol. ii. p. 377, 378. Large Decl. p. 23. *et seq.* Spalding, vol. i. p. 57, 58. Guthrey, p. 22, 23. May, p. 34. Heylin's Life of Laud, p. 347—349. Clarendon, p. 109. Whitelocke, p. 27. Bailie's Let. vol. i. p. 5, 6. Gordon of Straloch's MS.

* Hist. Inf. p. 5, 6.

sured the prelates for alienating the public mind by their precipitation, their high pretensions, and unfounded complaints*. He might have proceeded farther, and shewn that their whole conduct tended to disgust the people, whom, if success in ecclesiastical measures were desired, it ought to have been their province to conciliate and gain. Their undisguised amusements of cards and dice, as well as field sports on Sunday, insulted the general feelings. Debauchery and gluttony, vices ill-becoming their calling, and yet too clearly proved against the majority, brought additional abhorrence at the prelatical function†.

As the truth was concealed from Charles at this juncture, the whole blame of the tumult being imputed to the lower classes, whose outrages were alleged to be detested by the better informed part of the community, it is not wonderful that this ill-advised prince should have still steadily persisted in his resolution :—That he should have committed the cognizance of the disturbance, and the punishment of the rioters to the council, and again commanded the adoption of the service-book. Thus encouraged, the prelates, having obtained an act of council for that purpose, charged some of the most eminent presbyterian ministers on *letters of horning*‡, to purchase two copies of

Act of council to charge the ministry in letters of horning.

* Burnet's Mems. of Duke Hamilton, p. 81.

† Baillie's MS. Let. see Cont. of the first printed one, Vol. I.

‡ Letters of horning are a warrant running in the king's name, and passed under the signet, directed to the proper officers, called messengers at arms, by which they are to charge and command the party to fulfil a decree, &c. under the pain of being denounced a rebel. If the charge is not complied with, then, in due time, the messenger,

the Liturgy for the use of their congregations, and the regulation of public worship. Four of the presbyterian clergy protested in a legal form against the proceeding, and appealed to the council by way of supplication. From that body, the prelates, who had long preponderated there, expected a favourable result; but, whether it were that the members who took the most active part in that business, were such as had hitherto abstained from the council, or that the lay members, in general, had begun to be affected with the contagion, or saw the impracticability of carrying the measure, the judgment upon this important question disappointed the prelacy: The council held that the proclamation merely enjoined the purchase, and not the use of, the book. So cautious were they, that, though seven or eight women were confined on account of the late tumult, they soon restored them to their liberty, without punishment or even trial. About the same time the council addressed his majesty, regarding the innovations, representing to him the state of the popular feelings, the daily accession to the common cause, of men even of the most eminent rank, and the numerous supplications against the service-book,—a representation which ought not to

at the market cross, and after three oyeses and blasts of his horn, denounces the party a rebel, when ultimate diligence against his person, or a writ to take and imprison him, &c. follows. Hence the Antiquary, in the popular novel of that name, is made to say, that in Scotland no man is liable to imprisonment for debt, but merely for rebellion to his majesty. At the time we are treating of, forfeitures were incurred even by civil outlawry, or diligence for debt, &c.

have been lost upon this prince : But, as inflexible obstinacy, so long as conciliation was attainable, was a striking feature of his character, and Laud was ever ready to stimulate him to perseverance, Charles, instead of yielding to the reasons urged by the council, reproached them with a breach of duty, in not punishing the authors of the late outrage, and not enforcing the liturgy ; nay, even denied their request to summon a few of their number to court, that they might, in person, afford him ampler information*. The temper with which James's innovations had ever been resisted, might have given an idea of that people's disposition ; but, in spite of this experience of the national temper, the notion which seems to have been entertained by the ruling faction was, that, could the liturgy be once read, the opposition would cease,—as if it were merely a bitter dose, which, once swallowed, would no more be thought of ; and it is extraordinary, that upon such men, amongst the very chief of whom Clarendon himself must be ranked, the direful effects of these measures, were so far from teaching wiser as well as more charitable policy, that they only confirmed them in their intolerant bigotry.

Tumult in
Glasgow.

The king's answer confirmed the general hatred of the liturgy : the attempt to recommend it in Glasgow had nearly proved fatal to one preacher, and another was threatened with being torn from the pulpit if he dared to allude to it. The tumult was so great that, says Baillie, “ it was thought

* Hist. Inform. MS. p. 13. *et seq.*

“ not meet to search either the plotters or actors of
“ it, for numbers of the best quality would have
“ been found guilty *.”

Twenty peers, a great proportion of the gentry, and eighty commissioners from towns and parishes, now joined the four original supplicants to the council ; and their numerous petitions were transmitted to Charles by the Duke of Lennox, who was requested to vindicate the council, and to report, as an eye and an ear-witness, the real posture of affairs : that the representation might have the greater effect, the nobility, gentry, and Presbyterian clergy ranked themselves up in the high street, in vast numbers, to urge their petitions †.

* Baillie's Let. vol. i. p. 8. “ At the outgoing of the church,” says this writer, who was one of the most profound scholars of any age or nation, naturally of a mild temper, and a man of great talent—“ about thirty or forty of our *honestest* women, in one voice, before the bishops and magistrates, fell a rioting, cursing, scolding, with clamours on Mr. W. Annan,” (the clergyman who tried to recommend the service-book.) “ Some two of the *meannest* were taken to the tolbooth” (prison.) “ All the day over, up and down the streets where he went, he got threats of sundry in words and looks ; but after supper, while needlessly he will go to visit the bishop, who had taken his leave with him, he is no sooner in the street, at nine o'clock in a dark night, with three or four ministers with him, but some hundreds of enraged women of *all qualities*, are about him with *neaves*,” (fists) “ staves, and peats, but no stones. They beat him sore ; his cloak, ruff, and hat were rent ; however, upon his cries, and candles set out from many windows, he escaped all bloody wounds. Yet he was in great danger, even of killing.” The baillies protected him to his horse next day, “ for many women were in waiting to affront him more. At his on-leaping, his horse unhappily fell above him in the mire, in presence of all the company ; of which accident was more speech than of any other.”

† Hist. Inf. p. 13, 15, 16. Guthrey, p. 26.

Immense
crowds re-
sort to
Edinburgh
in October.
Proclama-
tions, tu-
mults, &c.

The council deferred their answer to the supplicants, as they were styled, till October, as they expected his Majesty's answer by that time*. The leaders in the interval were not idle; and daily accessions, with well concerted plans, afforded a rational hope of successful resistance. In October, when the answer was expected, and the harvest was finished, a number of people flocked to Edinburgh, from all quarters south of the Grampians; supplications were presented against the liturgy from two hundred parishes; and had the answer even then imported a recal of that detested service, the spirit of insurrection would at once have subsided, and peace been secured: but what was the general rage, when one proclamation was issued, commanding the people to their several homes; another ordering the removal of the supreme court of justice to Linlithgow, and then to Dundee; and a third, calling in a book, (afterwards avowed by a learned and eminent divine, Gillespie) entitled a dispute against the English-Popish

* The conduct of the prelacy was as presumptuously foolish as wicked. The earl of Rothes had a conversation with archbishop Spottiswood, the chancellor, upon the subject; and the latter challenged him to produce instances of unsound doctrine. The earl accepted of the challenge, and proceeded to give the instances, when the chancellor laughed, and said it was worse interpreted than it needed to have been—that he had transmitted a copy to the bishop of Derry, who lamented that Scotland should have prevented England, in so good a work. Rothes objected to that prelate's testimony, that he was the most unsound minister attached to the national establishment, in Ireland. The chancellor laughed again, and told him that if the king turned papist, resistance was useless: that it behoved them to obey—who could resist princes? Hist. Inf. p. 18, 19. Was insulting the religious feelings of a people a mere sport?

ceremonies obtruded upon the Kirk of Scotland, a work of great learning and ability ; and certifying that whoever should be found to have a copy in his possession, should incur the same punishment which awaited the author when discovered—a proclamation that denied to the people even the liberty of inquiring into the nature of the liturgy forced upon them.

The effects of these arbitrary proclamations was very different from what had been anticipated. The removal of the court of session from Edinburgh would, it was supposed, subdue the spirit of a town which, in so great a measure, depended on it, and delay weary many out of their opposition, as well as afford an opportunity to break the confederacy : but, instead of this, it gave rise to a measure which formed a new bond of union. A formal complaint against the prelates, as authors of the canons and liturgy, and by consequence of all the troubles, was secretly prepared, and then rapidly subscribed by all classes. The general indignation directed against some of the bishops, and Traquair likewise, vented itself in open violence : Sydserf, bishop of Galloway, who was reported to wear a concealed crucifix in his breast, and was afterwards convicted of using one in his private devotions, was surrounded as he walked the streets, greeted with fearful curses and acclamations, and would most probably have been torn to pieces by the increasing mob, whose fury augmented with its numbers, had he not been assisted in an escape into the council-room. Even there, though the

place of greatest reverence in the kingdom, he found not safety. The council was besieged, and the magistrates, who were applied to on this emergency, stood themselves in need of protection : They were imprisoned in their own council-chamber, and forced, under a threat of immediate execution, to subscribe certain articles : That they would join the supplicants against the service-book, and restore their silenced ministers, Ramsay and Pollock, and Pat. Henderson, a reader. This moderated the fury of the mob, but it was only by the interposition of some popular noblemen that the privy council was released ; and Traquair, who had likewise been attacked in the street, and stript of his treasurer's staff, his cloak and hat, escaped with difficulty. Sir John Hay too, the clerk-register, of whom we have already spoken, who had been, by royal authority, thrust upon the town as its provost, was so hated, that a little more opposition would have induced the mob to have torn both him and Traquair to pieces : Neither durst, for a season, appear in public. The rioters were now confessedly people of rank, and instead of permitting reproaches to be continued against the tumult in July, the higher classes defended it, alleging, that though the populace alone acted on that occasion, and the mob is an ass, yet that it had pleased the Lord to open its mouth, as heretofore it had done Balaam's, to testify his displeasure at the wickedness introduced, and that, had human beings been incapable of appearing as instruments on the occasion, he would have raised

up inanimate nature for his glory. Edinburgh was, therefore, joined with the other burghs, and its cause defended as a common one, for “that the matter which the bishops called so barbarous and tumultuous, was nought but a very modest keeping of their profession, when these, against all law, would have intruded the corruption of their religion; and the consequences were imputable to the usurpers, not the defenders, according to King James’s maxims of the powder treason, that in the danger of the prince, *or of the religion*, every one may run to their defence *.”

As the spirit of opposition daily increased, the popular party assumed a more decided tone, and a greater character of union. A petition was presented to the council, in the name of noblemen, gentlemen, burgesses, &c. against the canons and liturgy, and craving that the prelates should no longer be permitted to sit as judges in questions which involved their own pretensions. The leading men too, under the pretext of preventing commotions by the conflux of such numbers to the metropolis, made a proposal to the council, that representatives of the supplicants should be elected for managing the business of the whole body: The council, whether secretly conniving at the success of a cause which they were expected to oppose, or hoping to divide, bribe, or intimidate a small number which they despaired of accomplishing with

Erection of
the tables.

* Large Declaration, p. 30, *et seq.* Rush. vol. ii. p. 404, *et seq.* Hist. Inf. MS. p. 28, 29, 34, 40, 42. Baillie’s Lett. vol. i. p. 24, 25, 29, 30. Balfour’s Annals. Stonie Field Day.

the multitude, or whether really insensible to consequences, approved of a measure that promised to put a period to scenes of violence, and thus acquiesced in the erection of a new representative government, known under the name of the Four Tables, which became so famous. According to this institution, a certain number, representing the nobility, formed the first table; so many gentlemen, who represented the shires, constituted the second; a number of clergy, for the presbyteries, the third; and so many burgesses, for the burghs, a fourth; a member from each of these constituted a general table, and there were still other tables subordinate to the four that consulted upon what was to be propounded by the four to the general one. The promiscuous multitude was now dismissed; the disorders incident to such meetings, and which injure the best of causes, were no longer apprehended, and as the sources of discontent and jealousy, were so deep, as to be nearly incurable in the leaders, it was impracticable to disunite, gain, or intimidate them*.

* Hist. Inf. p. 34, 45, 47, 53, *et seq.* The leading men acted with great prudence. They engaged the most eminent counsel, and followed their advice at every step. With regard to the people, notwithstanding their tumultuous opposition to their service-book in church, they were acknowledged by the council itself to have conducted themselves with great moderation. It is singular that Hope, the king's advocate, who then secretly favoured the popular party, and afterwards joined them, told them that the erection of Tables was lawful. The Historical Information imputes the first heat of acting by commissioners to the bishop of Galloway and the clerk register. Their motive was to gain or intimidate the few. Ib. 82. Baillie's Lett. vol. i. p. 13. See p. 10, for a proof of the resolute and terrible spirit of the people. Their quietness was meritorious, but bespoke something truly terrific. P. 10, 11.

Charles, who had no intention of renouncing the canons and liturgy, and yet had, in some measure, become sensible to the expediency of temporizing, commanded the privy council to announce by proclamation that he delayed an answer to the petitions, because he had seen no disavowal of the late tumults; and to signify, in general terms, his aversion to popery and superstition, and that he intended nothing against the laws of his native country. To some this afforded partial satisfaction, as they conceived themselves warranted in inferring from it that the innovations were imputable rather to the prelates than to the prince; but the quicker-sighted saw through the veil. The servants of the crown laboured to disunite the supplicants, but they were unsuccessful*; and Traquair was at last summoned to court, at the request of the council, for the purpose of giving information to the king. This statesman now began to be actuated by opposition to the service-book. Hating the prelates for having aspired to his office, he bore no affection to their cause: Alive to the general odium which he had incurred by his arbitrary measures, and particularly by the prosecution of Balmerino, he was anxious to recover his character; and he had sufficient sagacity to perceive with what difficulties the introduction of the service-book was attended. Hence, he avowed privately to Rothes his hatred of the liturgy, declaring a resolution rather to resign his white staff than agree to it, and recommended to the court

* Id. p. 26, 27. Hist. Inf. p. 66, *et seq.*

Violent
proclama-
tions, 1638.

the absolute withdrawing of both it and the canons. His hatred of the bishops was amply repaid, and his popular advice conspired with their representations to beget the strongest suspicion of treachery : But as, when matters came to the proof, he preferred his office to his late sprung popularity, he soon abandoned, and consequently lost, the people, without overcoming the jealousy of the ruling party, and thus fell under the imputation of being false to both *. A notable scheme was now devised for reducing the disobedient. Moved, as it is said, by the success of his grandmother in the case of Rizzio, whose murderers were dispersed by denouncing them rebels, Charles resolved to adopt a similar course in the present instance. He dispatched Traquair with a proclamation to declare his approbation of the liturgy, to prohibit the supplicants, under the pain of treason, from re-assembling, and to denounce the petitions as detracting from the prerogative, and, therefore, meriting the severest punishment, though a pardon was held out to the nobility, gentry, and burghs, if they immediately submitted. As no mention was made of a pardon to Edinburgh, however, the suspicion immediately suggested itself, that the design of making it an example was still entertained, and it awakened feelings adequate to

* Hist. Inf. p. 83. Baillie, vol. i. p. 27, 34. Hardwicke's State Papers, vol. ii. p. 99. Traquair, in a letter to Marquis Hamilton, declares that it would be as easy to establish the missal as the service-book in its present form. Ib. see p. 101. in which he recommends the withdrawing of it.

the occasion : The nobility declared that they would instantly prosecute the prelates in turn for erecting new judicatories against law, for which their lives were responsible *.

That this extraordinary measure should have its full effect, it was intended to conceal the project till it burst upon the people like a peal of thunder ; but the supplicants, who were men of great sagacity as well as activity, and of the most extensive connections, had friends at court, who faithfully transmitted to them intelligence of this amongst the other secret schemes ; and, as it spread an instantaneous alarm throughout the whole body, a protest, according to the legal form, was immediately prepared. Traquair, with the bishops, having learned this, formed the design of secretly departing for Stirling, (to which the courts of justice had been removed,) in order to publish the proclamation there, as well as another, to prohibit the supplicants from appearing in that place ; and with this they also determined to imprison Rothes and Balmerino, who were employed to take the protest. But this plot likewise transpired, and a great concourse of people, with suitable arrangements, defeated it. The protests were accordingly taken, and when the proclamation was afterwards made in Edinburgh, the same measure was adopted †. Protests
against the
proclama-
tion.

Matters had now arrived at such a crisis, that half measures must have been ruinous to the po- The cove-
nant.

* Hist. Inf. p. 117, *et seq.*

† Second Hist. Inf. p. 119, 120, 126, 129, 130. Baillie, vol. i. p. 33. Hardwicke's State Papers, vol. ii. p. 101. Large Declar. p. 48.

pular party ; and even a retreat from their opposition would have failed to bring safety to the leaders, who must have soon found themselves naked objects of that despotical vengeance which had been visited on Balmerino. Indeed their submission would have deprived them of a plea in their own defence, since, by renouncing the cause, they necessarily confessed that it was equally unjust and untenable ; while they were fully sensible that as England, which had attentively watched all their motions, (the leading men of both countries corresponded) might probably join them, so Charles had now a deep interest to prosecute his purpose keenly, since, by concession or failure, England was roused to recover her rights*. To cement the various classes, therefore, whom the opposite party tried to disunite, the renewal of the national covenant was proposed ; and the plan which was speedily embraced, formed one of the strongest bonds that ever united a people. In the measure, however, the leaders had not the merit of originality. It had been adopted at the commencement of the Reformation from the covenants of Israel with the Lord, and renewed at various times. This famous one was prepared by Alexander Henderson, the celebrated divine who took so active a part in these troubles, and Archibald

* See Baillie as to this idea in regard to England, vol. i. p. 32. Traquair himself told Rothes that the king was apprized of all their meetings, consultations, &c. and who approved or opposed every measure. Hist. Inf. p. 112, 113.

Johnston, afterwards of Warriston, an advocate on whose advice the covenanters chiefly relied. It was revised by Balmerino, Loudon, and Rothes. Its renewal was vindicated by various statutes, which were cited: It contained a general profession of the principles established at the Reformation, and a strong abjuration of the doctrine, rites, and ceremonies of the Romish church, with the hierarchy, &c. and concluded with a bond of union—cautiously expressed to suit certain queezy stomachs that had of late years sucked in the principles of passive obedience, or rather possibly had not courage, which yet they soon acquired, to go beyond a definite limit,—to resist the innovations and support the king in preserving religion, liberty, and law *.

Having adopted this memorable scheme, they transmitted the covenant to all quarters for subscription; and the Presbyterian clergy exerted every nerve to kindle the zeal of the community. They did not preach in vain. In about two months the covenant obtained the assent of almost every quarter of Scotland, with the exception of Aberdeen, which was withheld, through the influence of the Marquis of Huntly its patron. Like every grand national movement against arbitrary power, civil and religious, this was not merely a cool assent of the understanding, but of the heart, heated to an enthusiasm of which a faint conception only can be formed by those who have lived in quiet times. The covenant was embraced with tears of

* Hist. Inf. p. 137, *et seq.* See Baillie's Letters. Rush. vol. ii. p. 734, *et seq.*

penitence for past defection, and shouts of unutterable joy from the hoped-for fruits of reconciliation with heaven *.

That part of the covenant which deserves severe reprehension, is the intolerance towards the Catholic body. Men who were themselves smarting under the effects of intolerance, might have had sympathy with the feelings of those who also adhered to their own notions of worshipping their Maker; but the spirit of Presbyterianism was intolerance, while some apology is due to the great covenanting body, (they were called covenanters by their enemies in derision, but they were not ashamed of the appellation) for following the clergy in their inhumane principles. The Papists were the most restless, intriguing faction: men who suffer under a despotical system to draw them back to a species of union with a church

† Baillie, vol. i. p. 45, 47, 60. Ministers, whom Strafford had driven out of Ireland, were very busy on the occasion. Balfour's Ans. Hardwicke's State Papers, vol. ii. p. 107.

Mr. Laing displays little philosophy, though I rather suspect that the remark was intended to convey an idea of his own superiority to vulgar opinion, when he says that "the abhorrence which the canons and liturgy excited, was certainly disproportionate to their futility." He admits that the first were subversive of the fundamental laws of the realm, if such be futile I am incapable of forming an idea of what is important; and that the liturgy, which was illegally enforced, was likewise subversive of the religion of the community as established by law: Now I should imagine that nothing in the form of worship or doctrine is futile which people think otherwise: Men will never agree upon that subject, and it is quite enough that principles abhorred by the nation were arbitrarily imposed. It is singular that this author sets out with the just principle that nothing can be unimportant in religion, and yet that he should have lost sight of it when most required.

they have abandoned, cannot overcome a feeling of indignation towards the class so favoured; and, it ought always to be remembered, that while the covenanters were merely intent upon preserving the religion and law of their native country, which the bulk of the nation heartily revered, the policy of Charles was destructive of both, against the express wishes of the people.

This league was considered by the king and his advisers as the most horrid rebellion to authority, and stamped with every reproach which rage could furnish to disappointed ambition. It was a feature of his character, never to yield to the demands of his subjects till the hour of conciliation was past. When he did give his tardy consent to any demand, therefore, as it was evidently the effect of compulsion, (after too his withholding it had forced the people on fresh measures for their security, or on such as had inspired success of compelling him to submit to still greater concessions,) so it was ever received as the offspring of insincerity that concealed a purpose of recovering his ground on the first opportunity. In the present instance, the representations of the council, communicated by Sir John Hamilton the Justice-Clerk, who was dispatched on purpose, as well as the advice of Traquair and Roxburgh, were lost upon him: And, as the covenanters daily increased in strength, their demands rose in proportion. They now petitioned not only against the canons and liturgy; but to be relieved of "the High commission as from a burthen which they

The king's opinion of the covenant.

feared and felt to be more heavy than they should be able to bear," and to have the powers of the prelates restrained, the privileges of assemblies restored, and a parliament called.

Marquis
Hamilton
sent to
Scotland as
the King's
commis-
sioner,
May 1638.

Charles was not moved to recede from his arbitrary innovations, but he wanted a proper military power to enforce them. It was, therefore, his object to dissolve the confederacy by stratagem, and, at all events, to temporise till a sufficient force was raised. For this purpose, the Marquis Hamilton, a nobleman who had been much indebted to the royal bounty, and professed unlimited devotion to his master, was sent down as commissioner. He carried with him two royal declarations, which could have no other effect than to inflame the people farther: That the acts of council which enforced the canons and liturgy should be annulled, and that these ecclesiastical novelties should not be pressed, "but in such a fair way, as should satisfy all his loving subjects," and that the high commission should be restrained within such limits, "as not to be a just cause of grievance to his subjects." That all should be pardoned who instantly renounced the covenant, and used every means for delivering up copies; but that they who continued refractory should be declared rebels, in all time coming; and that his majesty "would use all the forcible means with which God hath armed royal authority" to reduce the stubborn and disobedient. The commissioner was authorized by his instructions, to exact an oath of the council, in

favour of the royal measures, and to dismiss them who refused it; to convene the council wherever he thought fit, Edinburgh excepted; to declare all who protested against his majesty's declarations traitors; to admit of no petition against the five articles of Perth; to promise rewards to some leading men, in order to break their union, and to resort to any act of hostility which he deemed advisable if the people continued in their opposition; or, as it was denominated, rebellion. "You shall declare," says the 23d article of the instructions, "that if there be not sufficient strength within the kingdom to force the refractory to obedience, power shall come from England, and myself will come in person, being resolved to hazard my life, rather than suffer authority to be contemned." The principle on which he acted had already been expressed by him in writing, under his own hand, that, "so long as the covenant continued, he had no more power than the Duke of Venice*."

At his departure from Court, the commissioner was desired to write frequently to his master, and to Laud, the only English subject fully entrusted with Scottish affairs†: the private understanding seems to have been, that nothing farther could be

* Burnet's Mems. p. 42. *et seq.* Baillie's Let. vol. i. p. 48. *et seq.* The nature of the instructions was known before the marquis left London. The archbishop of St. Andrew's, and the bishop of Ross, advised to raise the highland clans; but the covenanters disappointed that project, by obtaining the accession of the northern districts. *Ib.*

† Burnet, p. 51.

accomplished by the marquis, than to ascertain exactly the strength and resources of the covenanters, seduce or intimidate some of the leaders, and temporize with the great body, till his majesty's military preparations enabled him to crush the disaffected at once.

Proceed-
ings of the
king's
commis-
sioner.

On his arrival at Berwick, the commissioner received such accounts of the covenanters, from the Earls of Roxburgh and Lauderdale, and Lord Lindsay, who met him there, as might have damped his hopes, if they were ever sanguine, and ought to have inclined him to advise conciliatory measures. But his information served only as a hint to warn the king to prepare a force to overpower them. His own self-importance, too, was mortified at the small respect paid to his high office: Instead of a vast concourse of people to welcome him to Scotland, he met with little respect till he arrived at Dalkeith, where the secret Council, the Lords of Session, and such of the nobility as had not subscribed the covenant, waited upon him in great formality*.

As the first object of the commissioner was to inform himself exactly of the posture of affairs, he soon discovered that matters were in a far more formidable state for the crown than he had anticipated; and that Lord Lindsay had rightly informed him at Berwick, that nothing short of recalling, not only the canons and liturgy, but the five articles of Perth, and summoning a parliament and

* Burnet, p. 52. *et seq.* Rush. vol. ii. p. 749, *et seq.*

general assembly of the church, would satisfy the people. Almost the whole council, though they had not subscribed the covenant, secretly favoured it: Sir Thomas Hope, the greatest lawyer of his time, though king's advocate, was really of the covenanting party; while even the Earls of Traquair, Roxburgh, and Southesk, the best affected to the royal cause, vexed the commissioner with limitations. Lorne, and some others, acted the part of *intercommuners*, or mediators*. He endeavoured to seduce, or intimidate the chief of the covenanting nobility, the Earls of Rothes, Cassillis, Montrose, Loudon, and Lothian, and Lords Lindsay, Yester, Balmerino, and Cranston; but, at this juncture, neither promises gained, nor threats overawed them, while the proclamations, the nature of which had been ascertained, instead of satisfying, irritated all as a mockery, and proof of a determined purpose to continue in an illegal courset. Nay, the prelates were so sore under their humiliation, that they could not refrain from gratifying their vanity, by giving the people to understand, that even in any concession his majesty was insincere†. A circumstance which occurred at this time, too, confirmed their worst apprehensions. A small vessel arrived in Leith

* Baillie's Let. vol. i. p. 59, and elsewhere.

† Burnet's Mems. p. 53.

‡ The bishops, says Baillie in a familiar letter on the occasion, "are so neglectful of their gracious master's honour, that by their words and actions, they make the world suspect that the king has no intention to keep his word." p. 64.

Roads, with arms and ammunition for the crown ; and the circumstance spread such alarm, that many proposed not only to arrest them, but to seize the castle of Edinburgh, and force both the commissioner, the council, and session, to take the covenant. These violent courses were restrained by the more prudent ; yet strict precautions were taken to prevent the arms and ammunition, which were carried, in the meantime, by the commissioner's orders to Dalkeith, from being conveyed to the Castle. A watch of fifteen hundred citizens nightly guarded the city, particularly the gates ; and the gentry themselves were unremitting in their vigilance night and day *. Hence the marquis, if he had previously doubted it, became now fully aware of the correctness of the intimation given him at Berwick by Lord Lindsay. He therefore apprized the king, that he must either resolve upon yielding to the demands of the covenanters, or quickly adopt certain measures which would infallibly insure success : dispatch his fleet with 2000 land-forces, provide arms for the English northern counties, and garrison Berwick and Carlisle—the first with 1500 men, the last with 500 ; while he should send expresses to Holland, &c. to prevent the purchase of arms by the covenanters. But he represented “ that his majesty would consider how far in his wisdom he would connive at the madness of his own poor people, or how far in his justice he would punish their folly, assuring him the pre-

† Burnet, p. 52 and 3. Baillie's Let. v. i. p. 57, *et seq.*

sent madness was such, that nothing but force would make them quit their covenant, and that they would all lay down their lives ere they would give it up *."

The council met frequently at Dalkeith, and heard the supplicants : but nothing memorable occurred, except that when the archbishop of St. Andrew's appeared there as chancellor, not one of the covenanting lords would speak to him. The commissioner then proceeded to Edinburgh, and was on his road met by a crowd, which, according to some reports, amounted to sixty thousand, amongst whom were five hundred clergy arranged on an eminence ; and the individual amongst them of strongest lungs, Mr. W. Livingston, was deputed to address him on the public grievances. But Dr. Balcanqual, who had accompanied the marquis as his chaplain, and expected an archbishopric for his services, persuaded him that the address was a studied declamation against episcopacy, which, it is said, was a mistake, and the commissioner declined to hear it. At the sight of so many thousands, in a manner the whole country, "so earnestly and humbly crying for the safety of their liberties and religion †,"—the marquis was moved, even to tears, and professed his wish that king Charles himself had seen so affecting a spectacle. From his courteous and affable deportment, and the fairness of his private speeches, many entertained hopes of his yielding to all their demands ; but these hopes vanished when he intimated that his powers extended no farther than

* Burnet's Mem. p. 53, *et seq.*

† Baillie's Let. vol. i. p. 61.

to authorize the publishing of the declaration he had brought with him.

Commis-
sioner de-
termines to
publish a
proclama-
tion—pro-
testation
against it.

His instructions, and the nature of the declaration had been ascertained by the covenanters before he left London, such were their vigilance and means of acquiring information; but they appear to have flattered themselves with the hope that he brought with him some secret authority which had been granted within the knowledge of his master and Laud only. He now prepared to publish his declaration; and when he was informed that a protest was prepared against it, he laboured by threats and promises to prevent what he conceived, with Charles himself, to be an insult upon regal authority. But the covenanters were neither to be frightened nor won; and, as he still persisted in his purpose, he announced his intention to support the herald in person, and make all the protesters be denounced rebels. Preparations were accordingly made at the cross; but, on the other hand, a scaffold opposite the cross was erected for the protesters; the people assembled, and some thousand gentlemen, sword in hand, took their station to protect their official men in their duty. The commissioner, upon hearing of this, ordered horses, and as it was immediately conceived that the object was to publish the declaration in other towns, the popular party ordered their horses likewise, that they might instantly accompany the declaration with their protestations; while, lest any advantage should be taken, protesters were provided for every burgh to which it was likely to be

sent. This obliged the commissioner to drop his intention for the present *.

Hamilton, following his instructions, now endeavoured to amuse the covenanters with false hopes, and to engage them in negotiations till the king should be prepared to crush them with military force. But the policy did not elude the vigilance of those whom it was intended to beguile to their ruin; and they too were not idle in preparing for defence. Though they were averse from any league with France, lest it might have the effect of uniting all parties in England against them, they had sounded the inclinations of the French court, which they had discovered to be rather favourable, and arms were secretly provided in Holland. All this was again suspected by the commissioner, and measures were adopted to frustrate their schemes; so that each party saw through the game of its antagonist †. How far the commissioner was enjoined to mislead the people, appears by his master's letters which, unfortunately for his memory, are still extant, and fully establish that he was actuated by very different motives from the pious ones so liberally ascribed to him. These letters somewhat break the thread of the narrative; but they are too characteristic to need any apology for inserting them.

“HAMILTON,—Though I answered not yours of June 11, the fourth, yet I assure you that I have not been idle, 1638.

* Burnet's Mem. p. 54, *et seq.* Baillie, p. 61, *et seq.* Hist. Inf. p. 293, *et seq.*

† Baillie, vol. i. p. 65.

so that I hope by the next week I shall send you some good assurance of the advancing of our preparations. This say not to make you precipitate any thing, (for I like of all you have hitherto done, and even of that which I find you mind to do,) but to shew you that I mean to stick to my grounds; and that I expect not any thing can reduce that people to their obedience but only force. I thank you for the clearness of your advertisements, of all which none troubles me so much as that, in a manner, they have possessed themselves of the castle of Edinburgh; and likewise, I hold Stirling as good as lost. As for the dividing of my declaration, I find it most fit, in that way you have resolved it; to which I shall add, that I am content to forbear the latter part thereof, *until you hear my fleet hath set sail for Scotland*. In the mean time, your care must be how to dissolve the multitude, and, if it be possible, to possess yourself of my castles of Edinburgh and Stirling, which I do not expect. And to this end I give you leave to flatter them with what hopes you please, so you engage not me against my grounds; and, in particular, that you consent not to the calling of a parliament, nor general assembly, until the covenant be disavowed and given up; your chief end being now to win time, that they may not commit public follies until I be ready to suppress them: and since it is, as you well observe, my own people which, by this means, will be for a time ruined, so that the loss must be inevitably *mine*; and this, if I could eschew, (were it not with a greater,) were well. But when I consider, that

not only now my crown, but my reputation for ever lies at stake, I must rather suffer the first, that time will help, than this last, which is irreparable. This I have written to no other end than to shew you I will rather die than yield to those impertinent and damnable demands, as you rightly call them: for it is all one, as to yield to be no king in a very short time." In a postscript, he desires him not to declare the adherers to the covenant traitors, till he heard that the fleet had sailed,—and again recommends the gaining of time. In a letter, dated two days later, Charles promises to take Hamilton's advice, to stop the public preparations, but intimates his intention to proceed silently: and advises him "to get a considerable number of sessioners and advocates, to give an opinion that the covenant is at least against law, if not traitorous;" clearly proving, that, in his estimation, the law was subordinate to prerogative. In another letter, dated on the 20th, he mentions his preparations, his funds, &c.; and then he says, "Thus you may see, that I intend not to yield to the demands of those traitors, the covenanters, who, I think, will declare themselves so by their actions, before I shall do it by my proclamation; which I shall not be sorry for, so that it be without the personal hurt of you, or any of my honest servants, or the taking of any English place. This is to shew you that I care not for their affronting or disobeying my declaration, so that it go not to open mischief, and that *I may have some*

June 13,
1638.

June 20,
1638.

June 25,
1638.

time to end my preparations." Charles and his advisers captiously laid hold of the bond of mutual defence in the covenant as exclusive of the support of his person. And as nothing was farther from the intention of the covenanters, than to trench even upon the lawful prerogative, they agreed to an explanation, though they perceived that it was sought to create delay. Now, in a letter dated five days posterior to this, he thanks the Marquis for his labours, particularly as he had been disheartened by his fellow-councillors; and proceeds thus: "There be two things in your letter that require answer, to wit, the answer to their petition, and concerning the explanation of their damnable covenant: for the first, the telling you that I have not changed my mind in this particular, is answer sufficient, *since it was both foreseen by me and fully debated betwixt us two* before your downgoing; and for the other, I will only say, that so long as this covenant is in force, whether it be with or without explanation, I have no more power in Scotland than as a duke of Venice, which I will rather die than suffer: Yet I commend the giving ear to the explanation, or any thing else to win time, which now I see is one of your chiefest cares, wherefore I need not recommend it to you *."

These letters at once solve the question as to this prince's sincerity; and whether piety, or a cold selfish love of power, were his ruling passion; whether he loved his native country, or

* Burnet's Mem. p. 55, *et seq.*

respected her laws and happiness, it is impossible indeed to conceive a more melancholy picture of a heart corrupted by power into a perfect indifference to the rights and fate of a people whom he had been appointed to govern. He admits that their ruin was the inevitable consequence of his measures; but they had provoked their fate by opposing his pretensions; and he regarded it only in so far as it affected himself, through the destruction of his own property, which he accounted his subjects. This, however, could not be permitted to stand in competition with his preposterous ideas of honour. As to the law, he studied merely how to corrupt its ministers, that it might be rendered subservient to his selfish lust of dominion.

Having amused the people for a time, the Commissioner requested leave of his majesty to return to court, being anxious to gain time, to inform his master fully of the posture of affairs, and to ascertain the exact state of the military preparations. He also wished to try what could be done to establish the Confession of Faith of 1567, which he conceived would quiet the popular fears of innovation, and thus gain a party of the covenanters, or at least make the royal cause appear more favourable to the world. The plan pleased Charles, who yet desired Hamilton to assure his few adherents that he would neither desert his ground nor them. The Commissioner having obtained this liberty, pretends to entertain hopes by his presence to procure more favourable terms; and intimated that he had a proclamation which would greatly satisfy the general mind. The expecta-

The commissioner's first journey to London.

tions of the people ran high. They doubted not, what the commissioner seems to have intimated, that it would at least free them from the liturgy; but the bishops could not suppress the knowledge which consoled them for present degradation. The declaration, when proclaimed, fell far short of the character that had been previously given of it, and of the people's expectations; being only the first part of that which the commissioner had brought down with him. "We all marvel," says Baillie, "that ever the commissioner could think to give satisfaction to any living soul by such a declaration, which yet he oft professed with much confidence of that piece before it was heard. There must be here some mystery which yet is not open." It met with a protestation, drawn with great deference to the prince, but with ability and judgment. The covenanters complain that their proceedings were stigmatized as disorderly and seditious: that his majesty, while he declares his abhorrence of innovation, merely promises not to press the canons and liturgy, but in such a legal way as should satisfy all his good subjects, indicating that they were neither superstitious nor illegal; and that instead of abolishing the High Commission, which had been established without legislative authority, he merely promises to rectify it. They then declared that a parliament and an assembly only could remove these evils. In the afternoon the commissioner was told by Lord Loudon, when he signified his intention to get the council to approve of the declaration, that he knew of no other bands be-

tween a king and his subjects, but those of religion and laws; and though, with the exception of two, Lorne and Southesk, the council, at the instance of Hamilton, did subscribe an approbation of it, they quickly repented, and tore the paper in pieces. A parliament and an assembly were strenuously insisted for: the commissioner was informed that if he did not return with powers to call the latter, it should be summoned without the royal authority*.

Hamilton, on reaching the English capital, discovered that the king's preparations were not yet in a posture to warrant a breach; and, by representing the strength and enthusiasm of the covenanters, together with the temper of the council, he induced his master to make greater, though not more satisfactory concessions. An assembly was to be called; yet under conditions destructive of its rights: That bishops, who had been obtruded as moderators of presbyteries by an act of a packed assembly in the former reign, should be received as constituent members; that all ministers lately deposed should be restored, and none who had not been admitted by bishops should exercise the clerical function; and that the clergy only should be eligible—a course which, together with the restriction of the body to those who had been admitted to holy orders by the bishops, was calculated to render an assembly the instrument of the crown. Lest, however,

King agrees to grant an assembly under certain conditions.

* Baillie's Let. p 64, 68, 69, 70. Hist. Inform. MS. p. 419, *et seq.* Large Declar. p. 90—95, *et seq.*

The commissioner's second journey to London.

these precautions should fail, the commissioner was instructed to recommend, that the bishops should protest against the proceedings, in order to afford a pretext for annulling them. To such conditions the covenanters could not agree* : They assigned their reasons in a respectful, yet firm tone ; and intimated, that as the church had an inherent right to summon assemblies, so one would be called without his majesty's consent, if it was still withheld†. The commissioner proposed another journey to London, holding out the delusive hope of accommodation, while his object was to gain time, as well as to shew the king how necessary it was, either to break with the covenanters, or yield to their terms. On his way south, he stopt at Broxmouth, the seat of the Earl of Roxburgh, near Dunbar ; where certain articles of advice to his majesty, were concerted by himself, and the Earls of Traquair, Roxburgh, and Southesk. That, as the causes of all the late distractions, were the fear of religious innovation, by the introduction of the canons and liturgy, against the forms of the church ; the enormous unbounded power of the bishops in the high commission, (a court erected not only without legislative authority, but expressly against the statute law, which declares all judicatories established without an act of parliament to be of no force †;) the five articles of Perth, even episcopacy itself,—and they advised

* See Balfour's Annals.

† Burnet's Memorials, p. 70.

his majesty to dispense with all these but the last ; and even with regard to it they observe, “ although we conceive episcopacy *to be a church government most agreeable with monarchy*, yet the illimited power which the Lords of the clergy of this kingdom have of late assumed to themselves, in admitting and deposing of ministers, and in divers other of their acts and proceedings, gives us just ground, humbly to beg, that your majesty may be pleased to remit to the consideration of the assembly this their unwarranted power.” By such concessions, and an unconditional pardon to all, these noblemen conceived that the present discontent should be allayed ; or, if any stood out, they might be overwhelmed by the power of government, without military force. The advice had its effect. Hamilton returned to Scotland, with powers to recal, unconditionally, the canons and liturgy, and the high commission ; to suspend the five articles of Perth, and to summon a parliament, and an assembly in which the prelates might be prosecuted, and the episcopal government restrained within the limits of the law. But, in order to supersede the covenant, he unfortunately brought with him, according to his own recommendation, a renewal of what was called the negative confession of faith, with the bond subscribed by the late king in the year 1589 ;—a confession which both grieved and alarmed the episcopal clergy, and in which the errors of popery are stamped with the same reprobation as in that

which had been lately subscribed in Scotland. Had such terms been proposed earlier, all discontent might have been allayed; or could the covenanters even now have trusted to the king's sincerity, that desirable object might have been accomplished. But, as the marquis was instructed to sow dissension between the laity and clergy of the covenanters, by infusing into the first, particularly the nobility, that the clergy, if not restrained, would soon obtain a superiority over themselves; into the latter, that if the nobility were gratified in their views of lay elders, the clergy's influence would cease; and, as there was subjoined to the negative confession, a bond to maintain the established religion as at present professed; which, however suitable to the state of affairs in 1589, could only be productive of dissension now, (since, in the present unsettled posture of things, it was impossible to say what was established,) these conditions failed to satisfy the people. It was Charles's misfortune never to make a concession with sincerity; and, as his reservations were discovered, they naturally recoiled upon their author. By the words, "as at present professed," he wished his subjects to understand the presbyterian establishment, while himself meant the episcopal; and it must have given no favourable idea of his candour, to subscribe articles so inconsistent with the principles which it had been the darling object of his reign to obtrude upon three kingdoms. The council, after deliberation, sub-

scribed the confession, and the covenanters protested against it.*

The covenanting Lords were not idle in their preparations for the approaching assembly, and even the presbyterian clergy seem to have entered into the feelings artfully disseminated by the commissioner: But the lay elders, which were revived, outnumbered the clerical, while their rank and influence in society, were calculated to add a weight to their measures, which the other never could have attained. Hamilton at once perceived the natural fruits of this meeting, that episcopacy would be overturned, and advised his master to proceed with his military preparations, to levy soldiers in Holland, and secure Berwick; while it should be his study how to discover nullities in the assembly, upon which a pretext might be got for dissolving it. The bishops trembled so for their office, that they advised a prorogation before its meeting: But the king concurred with Hamilton in conceiving this inconsistent with his honour, and that it was more advisable to contest the legality of the elections, to insist upon assessors for the crown being admitted as members, and to admit the bishops' declinature, whereby grounds would easily be got for a dissolution; "as for the opinions of the clergy," says he, "to prorogue this assembly, I utterly dislike them, for I should more hurt my reputation by not keeping

* Burnet's Mem. p. 72, *et seq.* Baillie, vol. i. p. 80, *et seq.* These Letters afford by far the most correct picture of Scottish affairs, and the springs of action.

it, than their mad acts can prejudice my service, wherefore I command you hold your day ; but, as you write, if you can break them by nullities in their proceedings, nothing better. Lastly, concerning assessors, I like their names, and, as you say, you must not suffer me to lose my privileges *."

Assembly
at Glas-
gow, Nov.
21, 1638.

Having coucerted matters thus far, a declinature for the bishops, or protest against the lawfulness of the assembly, was revised by Charles himself as a pretext for its dissolution. The assembly met at Glasgow, as in a quarter most devoted to the commissioner ; and, notwithstanding the measures taken to annul it, and to subdue the country by force, Hamilton, in his address, dared to use such language as this : " The next false, and indeed foul and devilish surmise, wherewith his good subjects have been misled, is, that nothing promised in his majesty's last most gracious proclamation, though most ungraciously received, was ever intended to be performed, not the assembly itself, but that only time was to be gained till his majesty, by arms, might oppress this his own native kingdom, than which report, hell itself could not have raised a blacker † : " The declinature of the prelates was rejected, and the protests for the bishops was presented before the choice of a moderator ; but the assembly refused to enter upon business till they were regularly constituted. Alex-

* Burnet's Mem. p. 87, *et seq.*

† Id. p. 94.

ander Henderson, the presbyter of greatest capacity in affairs, was chosen moderator, and the commissions of the members were ratified. Under the pretext of this, as well as that the assembly could not be judge of its own nullities, &c. the commissioner declared it dissolved.

This imprudent measure, as it had been previously concerted, so it was adopted, without the assent of the council, whom, on the interrogatory of Lorne, now, by the death of his father, Earl of Argyle, the commissioner informed that his majesty had given him positive instructions, and therefore he could not admit of a debate. The assembly, composed of men who had determined to meet without the royal assent, were not, at this stage of the business, to be deterred from prosecuting their views; and the Earl of Argyle, who had hitherto acted the part of *intercommuner*, in hopes of preventing a breach, openly joined them. This was a most important accession: The talents of Argyle far surpassed those of his brother peers; his character, unblemished by the personal vices which too frequently accompany high fortune, joined to his influence in society, at once designated him as a leader. His conduct now was denounced by his enemies as a treacherous desertion of the prerogative, which, in the capacity of a councillor, he was alleged to have hitherto supported; but, in truth, his principles had been uniformly favourable to the common cause; his adherence to the council having been merely as an *intercommuner*,
Argyle declares for the covenant.

in order to preserve alike religion and peace *. Interested motives will ever be imputed to public men ; and these he has not escaped ; yet it is creditable to him never to have been guilty of tergiversation even while in office. His mediation between the king and his subjects begot the strongest enmity in the bishops, and a plan (which he discovered) was in consequence, treacherously devised for depriving him of his lands by an invasion from Ireland, of the Earl of Antrim, who pretended a title to part of his estate.

Acts of the
Assembly.

Under such a leader they boldly proceeded in their measures : The preceding assemblies packed by the crown, were declared null, the articles of Perth abrogated, episcopacy itself abolished, and the rights of presbyteries fully restored. The trial of the bishops succeeded ; and while the gross indecency and irregularity of their lives leave us

* Mr. Laing imagined he had made a discovery in a passage of *Straf. Disp.* vol. ii. p. 395, but he had not even attended to the nature of that very passage, for it implies, that Argyle's principles were the cause of the plot with Antrim, though his knowledge of that plot was supposed, and probably with reason, to make him declare for the covenant, (that is, depart from his character of mediator, which such a plot proved to be fruitless,) earlier than he intended. He, however, continued to mediate long after the discovery. Had Mr. Laing looked to p. 210, 220, 225, 247, 166, 299, even of the same volume, he would have discovered his mistake, and the plot to invade Argyle's country is mentioned by Baillie as a consequence of that nobleman's firmness, see vol. i. of *Let.* p. 48, 49, 51, 52, 59, 69, 70, 76, 77, 83, 120, &c. *Burnet's Mems.* p. 53. *Guthrey*, p. 31. This author does injustice to Argyle by ascribing to him language in the General Assembly at Glasgow, which, it is evident from other authorities, he could never use, p. 41. ; but he followed the Large Declaration.—See *Hardwicke's State Papers*, vol. ii. p. 106—115.

not room to deplore their degradation, the assembly found likewise sufficient grounds in their usurped authority, and in the nature of their doctrine *.

Charles had long been preparing for war, and he now determined to commence it. In one instance he had indeed been disappointed: a negotiation with the regency of the Spanish Netherlands for 6000 veterans, to be exchanged for Irish recruits, was defeated by the disasters of Spain †. But a formidable train of artillery had been provided, some troops procured from Ireland, and levies were resorted to throughout England. Hamilton, too, had persuaded himself, that by stopping their trade, on which, though limited, they greatly depended, the Scots might easily be reduced. Notwithstanding the extortions from the subject, the great gifts to favourites, the support of twenty-four palaces, and the purchase of paintings, expence of masks, &c. had, together with the previous debt, left the Exchequer without sufficient funds for the support of a war. Loans were therefore exacted from the nobility, contributions asked of the clergy, and gifts, at the instigation of the queen, were contributed by the Papists in support of an Episcopal war, a contribution which met with a check from the Pope, who had been dis-

* Baillie's History of the General Assembly held at Glasgow in 1638, in vol. i. of his Let. from p. 91—149. See also an account of the primate and chancellor, in p. 54. He renounced his chancellorship for £2500 Sterling; see Burnet's Mem. p. 79. He was notoriously bankrupt. See Hardwicke's State Papers, vol. ii. p. 114.

† Clarendon's State Papers, vol. ii. p. 23.

appointed in his expectation of recovering the spiritual dominion of the British isles *.

The Scots had also been busy : arms had been long providing on the Continent : a small supply of money had been obtained from Richlieu : their agents had been active with all the popular party in England, who were taught to consider the Scotch their own cause : and the covenant had been transmitted for the subscription of their countrymen in the Swedish service. Alexander Lesley, a distinguished officer, was summoned by Rothes to take the command of the army. The country was divided into districts, and the volunteers everywhere trained †. When, too, they found themselves denounced rebels, they summoned home many officers from the Continent, who had served under Gustavus Adolphus ; defeated a scheme of Wentworth to surprise Dunbarton Castle ; fortified Dalkeith with the arms deposited there ; and put other places in a posture of defence. Other most prudent military arrangements were likewise adopted ; while such was the zeal to prepare Leith for resistance, that all ranks, ages, and sexes, emulated each other in carrying sand and rubbish, as well as other materials.

* See his Letter in Rush. and Hardwicke, and Clarendon's State Papers, vol. ii. The negociation with the Pope seems to have been broken off about this time, and Laud's book was republished by the king's order. See also Rush. vol. ii. p. 790, *et seq.* See Straf. Let. and Disp. vol. ii. p. 186—188, 190—192. Hardwicke's State Papers, vol. ii. 118, *et seq.*

† See Hardwicke's State Papers, vol. ii. p. 124. N. B. The whole papers relative to the Scottish troubles in this collection, throw great light upon this portion of history.

Scottish affairs had been so cautiously concealed by the king, that, except Laud and Wentworth, the cabinet was not entrusted with a knowledge of them, and such of the English aristocracy as were attached to the court, were surprised at the mention of an insurrection in Scotland, a country to whose condition they were greater strangers than to that of the continental states. But the popular party, especially they who had been imprisoned for ship-money, or were averse to the new ceremonies, and perhaps even to episcopacy, considered the Scottish cause as their own. The levies were, therefore, murmured at as unconstitutional, the trained bands insisting that they were not obliged to follow the king out of the country, and the lords Say and Brook declared that they could not be responsible to parliament for engaging in such a business. Ireland had been goaded almost to madness by the arbitrary measures of Wentworth, a minister whose government, it has been well observed, raised up against him a greater degree of personal hostility than was ever perhaps the fate of any individual, Verres excepted. Hence the troops which could be spared from that country were insignificant. Even the English Catholics, as we have seen, were desired by his holiness to desist from their contributions for support of the war, as it was not their duty to join with the political party, which had not acknowledged his supremacy. To conciliate the English, Charles recalled patents and monopolies; but this, however welcome in itself, was too evidently the offspring of temporary policy to effect the object, and

Effect of
Scottish af-
fairs on the
English.

the general hope was, that the Scottish troubles would lead to a parliament*.

King
marches
with an ar-
my to sub-
due the
Scots, 1639.

Charles marched to the borders in mighty parade: Some of the nobility even injured their circumstances for his entertainment; and those of the aristocracy that held their estates upon the old and obsolete condition of serving against the Scots, were confidently summoned to the royal banners. What, however, the army thus gained in numbers, it lost in consistency. But Charles flattered himself that by ruining the Scottish trade by his shipping, he would reduce the people to such straits, or despair, that the very pomp of his preparations would dissipate their army†.

Marquis Hamilton was appointed to the command of the fleet, and carried with him 5000 land forces, being empowered to assail the Scots with fire and sword. But his troops, besides being raw-levies, were too limited in number for the occasion, and he soon perceived, upon entering the Firth of Forth, that Leith was impregnable, and a landing impracticable on a coast guarded with twenty thousand men‡.

* Baillie, p. 162. Clarendon State Papers, vol. ii. p. 42. *et seq.* Hist. vol. i. p. 110. *et seq.* Whitelocke, p. 30. Hardwicke's State Papers, vol. ii. p. 126. Rush, vol. iii. p. 915. Straf. Let. and Disp. vol. ii. p. 266, 7. Sidney Papers, vol. ii. p. 591. Baillie, vol. i. p. 162, 3.

† Clar. vol. i. p. 116. Yet it had been anticipated by him, that the English nobility and gentry would not engage in an offensive war with Scotland; and he soon perceived that he had not been much mistaken. Rush. vol. iii. p. 936. Nalson, vol. i. p. 231. See also Clar. vol. i. p. 121; and Baillie.

‡ Baillie as to Leith, vol. i. p. 160, and as to the negociation and resources, &c. of the Scots, p. 153, *et seq.* Spalding, p. 100, *et seq.* Guthrey, p. 46.

It has been said that had he sailed to the north, he might have co-operated with the Gordons, and created a powerful division; but that, partly hampered by directions from the king, expecting, by hovering on the coast, to detain a large portion of the covenanting army from meeting the royal forces, chagrined by the unfortunate breaking out of an epidemic disorder amongst his soldiers, and probably being not over-hearty in a cause so hateful to his countrymen, he lingered in the Forth without rendering any essential service*. There appears, however, to be little reason for supposing that much could have been done in the north at this time; and Hamilton seems to have acted according to a plan of operations preconcerted with the king; while his lying in the Firth, by detaining 20,000 men to guard the coast, really created a powerful diversion. But that he became lukewarm in the cause is not unlikely. It is said that his mother, a zealous Presbyterian, visited him in the Roads, and used all her influence to prevail with him to desist from an undertaking so pernicious to his country †.

Charles directed a portion of his forces to enter Scotland by Kelso; the main army approached ^{Military operations,}

* Laing. But see Spalding's account of transactions in the north.

† Burnet, p. 112, *et seq.* By the way, the situation of Charles was a pitiable one. He writes to Hamilton that he had a long debate with Vane and Arundel about a dispatch from the Marquis, *for he durst trust no other*, p. 122. Whitelocke, p. 30. Balfour's Annals. Rush, vol. iii. p. 902, *et seq.* Nalson, vol. i. p. 228, *et seq.* Clar. vol. i. p. 120, 1. Charles, in one letter, dated 8th May, desires Hamilton to send his forces to the north; but see the whole correspondence.

by Berwick and Coldstream. The main body of the Scots took their station on Duncelaw; a detachment under Monro intercepted the invaders by Kelso. In Cavalry, Charles was superior; in infantry, and in short in the number of troops, the Scots excelled. But they excelled far more in discipline, and in the ability of their general, nay even of their inferior commanders. The Scottish troops were chiefly athletic young ploughmen, of the most devout and sober habits. The nobility eagerly testified their zeal to the cause, while, contrary to the apprehensions of many, they exhibited the readiest obedience to the general, who, though diminutive, distorted, and old, gave proof of uncommon energy and ability for the station. Accustomed to command mercenary soldiers, it was scarcely to have been expected that he should at once mark the different treatment which became the volunteers whom he now commanded; but, as he perceived the true line of policy, he conciliated all. The most proper dispositions were made to supply the troops with provisions: the ministers continued to remind them of their duty by the most pious exhortations: their colours were inscribed with the crown and covenant of Christ; and the soldiers were summoned to devotion by the drum.

On the other hand, the English general, Arundel, was unqualified for the command: The leading men in the camp were averse to the war: The common soldiers, while much worse disciplined than their opponents, were so far from having any

of their enthusiasm, that they were infected with the general spirit so prevalent in England. Had, therefore, the Scotch army acted on the offensive, it is probable that the English would have sustained a total defeat: But, as they had reluctantly taken arms, so they were anxious for accommodation; and, in spite of all the illegal measures of the crown, still felt an ardent affection for their king. Besides, they dreaded the effect of routing the royal army, as the English, who were at present disposed to favour them, might resent the disgrace to their king and country *. Charles had flattered himself with the idea of gaining many adherents, by proclaiming a pardon for the past, and offering the conditions proposed to the assembly at Glasgow; but denouncing all those who should refuse to submit on such terms, traitors, and disposing of their lands to their tenants or vassals who embraced the side of regal power, and the feudal holdings of the vassals to the superiors of whom they held, and likewise the property of tenants who adhered to the covenant, to the superiors and land-owners who took the opposite side. "This wise plot," says Baillie, "proved as pedantic a policy as all the former had done; not a man regarded the favour; all were more enraged with that lawless condemning and alienating of lands †."

Lord Holland advanced with his cavalry towards the army under Monro, but soon perceived the propriety of retreating: Yet the Scottish army

* Baillie, vol. i. p. 182.

† Ibid. p. 165—173.

obeyed a proclamation not to advance within ten miles of the royal camp. Matters however hastened to a crisis. The Scots were destitute of the means of resting long on the defensive ; and they were perfectly aware of their advantages. The following picture of their moderation, drawn in a familiar letter by a covenanting minister who accompanied the army, is so very opposite to the opinion of matters generally entertained, that it deserves to be transcribed. " We knew at once the great advantages we had of the king ; yet such was our tenderness for his honour, that, with our hearts, we were ever willing to supplicate his offcoming : Yea, had we been ten times victorious in set battles, it was our conclusion to have laid down our army at his feet, and on our knees presented nought but our first supplications. We had no other end of our wars, we sought no crowns, we aimed at no lands and honours to our party ; we desired but to keep our own in the service of our prince as our ancestors had done : We loved no new masters. Had our throne been void, and our voices sought for the filling of Fergus's chair, we would have died ere any other had sat down on that fatal marble, but Charles alone *."

* Baillie, vol. i. p. 179. See p. 173, *et seq.* The Large Declaration this writer pronounces " an unexampled manifesto," " heaping up a rabble of the foulest calumnies that ever were put into any one discourse that he had read," p. 172. Hence little reliance can be placed on it ; and I suspect that the story of Michelson the prophetess, (p. 226.) is one of the forgeries of Balcanqual, Ross, and others. Burnet gives no authority, and Baillie and others never allude to it. Baillie says, that had they seen the Declaration sooner, it would have stopt the treaty.

The moderation of the Scots rapidly gained ^{Treaty.} upon the English; and as Charles perceived that discomfiture would, in all probability, be the issue of a battle, he opened a negociation*. The commissioners from the Scottish camp used the style of supplication, and matters might have at least been arranged upon a definite basis, had not the king personally intruded into the conference. At first the negociation appeared to proceed smoothly; but so many grounds of delay began to be brought forward, that the Scots apprehended that they were studiously sought for, in order to starve an army that declined to avail itself of its superiority; and Leslie intimated his purpose to advance towards the royal camp. This had the desired effect; for, though the articles were unfortunately too indefinite, certain points were conceded, and principles understood. The commissioners insisted, that his majesty should ratify the acts of the Assembly held at Glasgow. This he refused; but he agreed to call a new Assembly immediately, and to ratify its acts in a parliament which he promised to summon. The commissioners were willing to yield to this, provided he did not oblige them to renounce that assembly. He replied that he would not press it, but that that assembly should not be mentioned on either side. The commissioners urged the abolition of Episco-

The General Assembly afterwards supplicated that the book, on account of the many foul and false relations it contained, should be called in and reprobated by the king, while Balcanqual, and others concerned in the publication, should be given up for trial. Rush. vol. iii. p. 960.

* May, p. 46—8. Burnet, p. 139, 140.

pacy. The king said that he would not prelimit his vote in the ensuing assembly, by declaring the nature of it before hand. A royal declaration was afterwards published, in which Charles says, that, while he could not acknowledge the assembly held at Glasgow, he would call a new one, and ratify its acts *.

Had Charles entered into the negociation with sincerity, any future quarrel on this ground might have been prevented. It was evident, and indeed is particularly stated in notes of advice for the king by Hamilton, that the next assembly would just adopt what had been enacted in the one at Glasgow; and his refusal to ratify the past, could be regarded in no other light than as a punctilious adherence to a point which involved his own honour †.

Pacification
of Berwick.

Upon this understanding both armies were disbanded, and all forts held by the Scots were surrendered; but as they soon perceived the insincerity of their king ‡, they prudently retained the officers whom they had invited home from foreign service §. Such indeed was the systematic want of candour of this prince, that he formally granted powers to the marquis Hamilton to make proposals and promises, not with the view of leading to an agreement, but for the purpose of circumvention ||.

* Burnet, p. 140, *et seq.* Baillie, vol. i. p. 180, *et seq.* Hardwicke's State Papers, vol. ii. p. 130, *et seq.* Rush. vol. iii. p. 940.

† Burnet, p. 144.

‡ Straf. Let. vol. ii. p. 363.

§ Burnet, p. 156.

|| See the warrant in Hardwicke's State Papers, vol. ii. p. 141. This I suspect to be the ground of the story told by Clarendon, (vol. i. p. 152.) to vilify Hamilton. Both were equally guilty.

Nay, he shortly afterwards wrote directly to the archbishop of Glasgow, that, as his present measures were the offspring of necessity, so he would take the first opportunity of restoring Episcopacy, which he deemed no less essential to his prerogative than it was to the church.

The peace was, on the part of Charles, a most advisable measure ; but it was not on that account a less humiliating one. To be forced into concessions by a people whose opposition to arbitrary power had been branded with every odious epithet—whose resources had been derided as inadequate to offer any resistance to the royal army, and to whose damnable demands, as he called them, he declared that he would rather die than submit, as they reduced his power to that of a duke of Venice, was a catastrophe calculated equally to humble his own pride, and to degrade him in the estimation of foreign states, as well as of his English subjects : while successful resistance by a despised province, such Scotland had been too much considered, might rouse its southern neighbour to assert its rights. This last idea rankled deeply in the breast of the queen, of Laud, and of the courtiers in general, who, as if the Scottish army had been as despicable as their own wishes would have had it, and their own powerful as their presumption, found no other way to vent their spleen than by reproaches against the commanders. To such a height was this carried, that one would conclude from the relation of Clarendon, whose bigotted hatred of the Scots is equally discreditable to his

Consequences of the royal expedition and the peace.

head and heart, that to have reduced them it was merely necessary to have attempted it: For that they, who were in reality so numerous, and so well disciplined and commanded, were comparatively few in number, ill accoutred, and altogether untrained *.

The issue of this expedition, though dreaded by many of the covenanters, as exposing them to the royal resentment, without attaining the object of the war †, brought credit to the Scots in proportion to the dishonour of the king. In the whole business, indeed, they had conducted themselves with great ability and admirable prudence. Their leaders were men of enlarged capacity and equal courage. The clergy, on whom they greatly depended, were profound scholars, and no despicable politicians. Nothing can be more misplaced than the ridicule which has been so profusely levelled at that body. They proved themselves ambitious; but, to be satisfied of their talents, and to admire their knowledge, it is only necessary to peruse their works. The writings of Baillie, even his familiar letters, breathe a manliness of spirit, and evince intelligence and erudition, that must for ever rescue from contempt, a class of which he did not conceive himself entitled to rank at the head. He is said to have been master of twelve or thirteen languages. He wrote Latin with the purity of the Augustan age; and his English style, with the exception of a

* See Clar. Hist. vol. i. p. 114. *et seq.*

† Baillie, vol. i. p. 183.

few provincialisms, is far beyond that of his cotemporaries in the south ; while his knowledge was as universal as his classical attainments were great. Alexander Henderson was the ecclesiastical organ of the party ; and, according to the testimony of both sides, deservedly so. “ Upon him,” says an Episcopal writer, “ all the ministry of that judgment depended ; and no wonder,—for in gravity, learning, wisdom, and state policy, he far exceeded any of them.”

Charles had himself intended to preside in the assembly of the church, but the persuasions of Windebank not to trust his person with such mutinous subjects, diverted him from his purpose*. When, therefore, his intention transpired, and he ordered fourteen of the chief covenanters to meet him at Berwick, the greatest jealousy arose. Three of each estate at last undertook the office ; and of the three peers, Montrose, Loudon, and Lothian, the first, who had been previously tampering, was seduced from his party and principles†, and afterwards became the most furious enemy of the cause he had formerly been the most forward to espouse. Hamilton, tired of painful pre-eminence, declined the office of commissioner‡, and it was devolved upon Traquair. But, in the meantime, by the royal instructions, he acted the part of a spy, in drawing from the chief covenanters

* Clarendon's State Papers, vol. ii. p. 56.

† See a character of Montrose by Marquis Hamilton, Hardwicke, vol. ii. p. 116.—Baillie, vol. i. p. 188. Burnet, vol. i. p. 148.

‡ Id. p. 145, *et seq.*

whom he had an opportunity of negotiating with, their intentions in the ensuing assembly and parliament *.

Insincerity
of the king.

Whatever Charles might apparently concede in regard to Episcopacy, he was resolved to restore it; and his object now was to amuse with the specious appearance of yielding to the Covenanters, while he should retain a pretext for afterwards denying the meaning of the concession. The instructions to Traquair were the result of long and deep consultation betwixt the King, Hamilton, and Traquair himself; and the latter assisted him with a device as notable for its dexterity as for its perfidy—that, let the parliament abolish Episcopacy, &c. there would still be good grounds for restoring them whenever his majesty was able to carry the measure; for that, as the bishops were, by the laws of Scotland, one of the three estates, no act passed without their concurrence, particularly if they protested against it, could be valid.

By his instructions, Traquair was authorised to consent to prohibit the liturgy, but not as superstitious; to agree to abolish the canons, and rather than break with the Scots, even Episcopacy itself, as contrary to the constitution of the Scottish church, but not as unlawful in a Christian church; to repeal the five articles of Perth, yet not as abjured in confessions of faith; and to remove the high-commission (which was constituted not only without law but contrary to the statutes,) yet not as

* Nalson, vol. i. p. 241, *et seq.*

illegal. The first idea that these captious distinctions suggest, is, that they were proposed, either to save the King's notion of honour, or prevent a claim for similar measures in England, on the ground, that Episcopacy, the liturgy, &c. were unlawful in a religious sense: But the royal motive was nothing else than a refined duplicity to over-reach his subjects. He instructs Traquair to conceal his intention: He desires him, after passing the acts, to take a protest that his majesty might object to any thing prejudicial to his interest: He dispatches a letter in the hand-writing of Hamilton, and interlined by Laud, to the Archbishop of St. Andrew's, assuring that divine, that however he might yield for a time, it should still be one of his chiefest studies to rectify the government of the Scottish church, and to repair the bishop's losses: He instructs that primate to present a protestation, in the name of the prelates, against the ensuing assembly, by the hands of some mean person,—a protestation which was not even to be read or intimated to the assembly; and, says he, “We promise to take it so into consideration as becometh a prince sensible of his own interest and honour, joined with the equity of your desires: and you may rest secure that, though perhaps we may give way for the present to that which may be both prejudicial to the church and our own government, yet we shall not leave thinking in time how to remedy both *.”

* Burnet, p. 49, 154, 156, 157. Nalson, vol. i. p. 244, *et seq.*

General
Assembly
of the
Church of
Scotland.

When the assembly met, it adopted the conclusions of the one held at Glasgow; but all allusion to it was studiously abstained from. The liturgy, the canons, the articles of Perth, episcopacy, and its corrupt assemblies, were enumerated, in the language of the assembly, as superstitious, tyrannical, or adverse to the confession of faith; yet, to please the king, they were only condemned as unlawful in the Scottish church. The covenant was explained in regard to the reservation of the royal authority, which had been captiously objected to: and when the commissioner agreed to ratify those acts in the ensuing parliament, the intelligence was received with bonfires, ringing of bells, and every demonstration of joy*.

Secret intentions of
the king.

The news of these proceedings had a very different effect upon the king and his advisers: Besides the consequences which were apprehended from them on the English, Charles perceived that the words, unlawful in the Scottish church, defeated all his fond hopes of over-reaching that people: and instructions were transmitted to Traquair, not to consent in his majesty's name to the rescinding of any acts of parliament which had been made in favour of episcopacy, for that he did not conceive his refusal to abolish those acts to be inconsistent with what he had already agreed to: and, says he, "There is less danger in discovering any future intention of ours, or at the best, letting them guess at the same, than if we

* Burnet's Mem. p. 156—8.

should permit the rescinding those acts of parliament, which our father, with so much expence of time and industry, established, and which may hereafter be of so great use to us." He concludes with declaring, that he would rather hazard a rupture than consent to abrogate them*.

But that which alarmed Charles most was the resolution to define the powers of the Lords of Articles, as well as judicatories in general. This resolution, in his opinion, proved that they aimed at nothing else than the overthrow of royal authority, and would justify him to the world in the anticipated breach. Whoever reflects for an instant upon the nature of the institution of the Lords of Articles, as it existed at that time, and the gross abuse of it by the crown, as well as on the nature of the judicatories of which the people complained, will not hesitate to conclude that Charles conceived every indication of legislative power a usurpation on royal authority.

This letter was written before the meeting of parliament, upon intelligence of their intended proceedings†.

When the parliament did assemble, it evinced Parliament. its moderation by allowing the commissioner to choose that number of peers as Lords of Articles, who had been on former occasions elected by the bishops; but this parliament, while its tenderness

* Ib. 8, 9. Nalson, vol. i. p. 255. Rush. vol. iii. p. 955.

† Burnet's Mem. p. 158. Rush. vol. iii. p. 949, *et seq.* Nalson, vol. i. p. 255.

of touching whatever was supposed to belong to the prerogative, prevented it from exercising its right now, determined to provide against the recurrence of an evil, which, in reality, extinguished its claim to the character of a legislative assembly. They protested against their present acquiescence being considered as a precedent; and prepared an article, which provided that each estate should thenceforth chuse its own members to sit on the articles; that the powers of the lords of the articles should be restricted to those of a committee, without that negative on debate which had heretofore proved so fatal to the independence of parliament; and that their meetings should continue without interruption from the appointment of this committee till the confirmation of the articles.

There had been, as we have already shewn, a practice introduced since the union of the crowns, of conferring patents of Scottish nobility on Englishmen who had not a foot of land on the north of the Tweed, and to obtain proxies from them for the purpose of giving a preponderance to the crown. To remedy this evil, it was provided by another article, that the gift of peerage should be confined to such as held property of a certain value within the Scottish territories. An insidious proposal, on the part of the crown, to substitute lay abbots for the spiritual estate, was, on the same principle, rejected; it having been clearly foreseen, that, from the very nature of their nomination, they must be subservient to the throne. There was likewise a bill to prevent arbitrary

proclamations,—an abuse which had originated with the late king; and the powers of the privy council were defined. To ensure frequent meetings of the legislature, a bill was prepared for triennial parliaments.

The coin was miserably debased, and they directed their attention to a remedy. By other articles, the customs were to be regulated on definite principles, instead of arbitrary exactions; and the national fortresses were to be entrusted to natives, elected by the advice of the estates, according to the old practice of Scotland. These were the chief articles, besides those which had been transmitted from the general assembly, for the confirmation of the legislature*.

As yet nothing had been concluded, nor even debated in parliament; but Traquair, foreseeing the result, disappointed it by a short prorogation; a measure contrary to the fundamental principle of the Scottish Parliament, by which, as adjournment and prorogation were words of similar import, that right had been ever exercised. Cautious, however, not to afford a pretext for a breach, the estates obeyed the order, in the mean time, and dispatched commissioners to the king to represent against so unconstitutional a proceeding, and to obtain his Majesty's command upon his commissioner to ratify the articles. But as the commissioners from Parliament appeared at court without

Parliament
prorogued.

* Rescinded Acts, Balfour's Annals.

a warrant from his commissioner, Charles refused to hear them, and immediately commanded Traquair to prorogue the Parliament till June following, or for about ten months, and to come up himself to give an account of his proceedings.

Conduct of
Traquair.

When Traquair reached Court he was coldly received for having subscribed the covenant; and his old enemies, the bishops, availed themselves of the circumstance to destroy his credit with the king. A man so unprincipled and ambitious could not hesitate about the means of recovering his ground. He immediately advised hostilities against his countrymen; and, as a pretext for war, shewed a letter which had been written, but never dispatched, to the French king, for his assistance and protection. Such a letter, as it established the correspondence of a subject with a foreign potentate against his sovereign's interest, amounted to high treason by the law of Scotland; and Charles determined to take advantage of the law to crush some of his chief subjects of that country*.

Commissioners sent
to Court by the Cove-
nanters,
with the
king's con-
sent; and
their treat-
ment.

The covenanters, to avoid a rupture, dispatched a messenger to court, to request leave to send some of their number for the purpose of vindicating their proceedings; and the request having been granted, the Earls of Loudon and Dunfermline were again appointed commissioners for the general body. As public messengers, authorised by the king himself, these noblemen were entitled

* Burnet's Mem. p. 159, *et seq.* Rush. vol. iii. p. 992, *et seq.*

to expect personal security in their important mission ; and, if Charles suspected them of any crime, he was bound to have ordered their impeachment in Scotland, where they were alleged to have committed it, and to whose laws alone they were amenable, while he left the covenanters to a free choice of other commissioners. But the royal conduct was far different. Scarcely had they begun to vindicate the intended acts of their parliament as conformable to the principles of the Scottish constitution, when they were thrown into the Tower on a charge of high treason for having written a letter to the French king ; and it was understood by some of the best informed, that not only without a trial, but even any charge, a warrant was issued for the private execution of Loudon on the following morning : But that Sir William Balfour, the lieutenant, finding his own remonstrances fruitless, applied to the Marquis Hamilton to use his influence against so horrid an act ; and that the latter, entering his majesty's chamber at midnight, succeeded in having the warrant destroyed, by assuring Charles that Scotland would be irrecoverably lost, and that himself would instantly set off for that kingdom, to satisfy his countrymen that he had no part in such a transaction *. Loudon afterwards

* This is so extraordinary an event, that I rejected it in the first instance ; but, on maturer reflection, I have seen it in a different light. It does not appear ever to have been a popular story, for I do not find it alluded to in the letters of the times, and, therefore, cannot be supposed an invention to blacken the royal character : it is hinted at in Burnet's *Memoirs of the Hamiltons*, which were written at a period when he was a thorough courtier, and though that work was re-

vindicated himself from the charge on fair grounds: That the letter had not been finished ; was undated ; and not even addressed, *au Roi* having been added by another hand ; and that, as it had not been dispatched, no criminal act had been committed : That the object of it, at the worst, was merely to procure the mediation of the French king with their own sovereign, during the late troubles ; and that, if there had been an offence, it fell under the act of oblivion in the late pacification at Berwick : That, at all events, he was ready to submit to a trial of his peers ; but that as he had gone to Court upon the royal warrant, he had a right to demand a safe return as a freeman, to his native country. His life was spared ; but he lay many months a prisoner in the Tower *.

vised by Charles II. and his ministers, the passage does not appear to have been objected to : it was afterwards told by Burnet in a party, and his testimony, which might be thought insufficient in itself, is corroborated by that of Scot of Scotstarvet, in his *Staggering State of Scottish Statesman* ; an individual who was minister both of James I. and Charles I. while the work did not see the light till about the middle of the last century. See Birch's *Enquiry into the Transactions of Glamorgan*, App. and Preface. Scot's *Staggering State of Scotch Statesman*. Burnet's Mem. p. 160-1. Rush. vol. iii. p. 99, *et seq.* Charles and his advisers ever laboured under the delusion that the leading men, who merely gave utterance to the popular spirit, created it ; and hence he must have flattered himself with accomplishing much by the removal of Loudon, an event which would have probably raised a more resolute one in his place.

The letter is said not to have been dispatched on account of some bad French ; but the true cause appears to have been a resolution not to apply for foreign aid till matters arrived at the last extremity ; the Scots being sensible that by such a step they might raise England against them. This is clear from Baillie's Letters. See Hailes' Coll. p. 57, as to the French style.

* Burnet's Mem. p. 160—1. Clar. Hist. vol. i. p. 129. Whitelocke, p. 31, 32. May, p. 56, 57.

As the Scots foresaw the recommencement of hostilities, they prepared themselves for the event. ^{The Scots prepare for a second war.} The country was already not indifferently supplied with arms, and Lesslie went to the Continent to provide more. Foreign states encouraged them, for Charles was no more a favourite abroad than at home *. The Dutch not only supplied them with arms on credit ; but allowed native Scots in their service to return to their own country in this emergency, without forfeiting their rank in the army of that republic. The commissioners for the Scottish parliament too were resorted to by some leading men in England—by the Earls of Essex, Bedford, Holland, Lord Say, Messrs. Hampden and Pym, and many other lords and gentlemen of great interest, including those that inclined to a republic. All these were deeply engaged from a hope of benefit or change from Scottish opposition †.

The exchequer was so completely exhausted, that the servants of government could not obtain their wages ‡, and in spite of the judgment for the crown in Hampden's case, ship-money had been in all instances reluctantly paid, and in many flatly refused §. In this posture of affairs, Laud, Hamilton, and Wentworth, advised the king to summon a parliament ; and their motion was approved of by

State of the king's affairs, and resolution to summon a parliament, 5th Dec. 1639.

* Hacket's Life of Williams, part ii. p. 137.

† Whitelocke, p. 32. Rush. vol. iii. p. 979.

‡ Sidney State papers, vol. ii. p. 636.

§ Rush. vol. iii. p. 975, 977, 985, 991-2.

the whole council. As the object, however, was to deprive the sister kingdom of its privileges, the convening of the legislature could not be supposed to spring from any disposition to restore the rights of England; and a resolution voted at the council-board fully establishes with what spirit the measure originated: That should the parliament refuse to comply with the royal request, or prove peevish, the council would assist his majesty in extraordinary ways *. All the proceedings in regard to this parliament too, were merely a repetition of what had occurred in the three former: The eternal chime was, that his majesty's business could not brook delay; that a supply must be instantly granted, and therefore that his business must have the preference of all other; but that if his demands were satisfied, he would permit both houses to continue their session for settling their own affairs;—yet, though the resolution to call a parliament was taken on the 5th of December, the writs were issued for the 13th of April,—a fact which establishes beyond all doubt, that the object was not only to gain time for intrigue in the ensuing elections, but to defer the meeting till the plea of necessity for an instant grant should appear irresistible.

A parliament, after so long an interval, and such complicated sufferings from an arbitrary government, was, by the great body of the people, hailed

* Laud's Diary, Clarendon's State Papers, vol. ii. p. 81. This letter from Windebank to Sir Arthur Hopeton, sets matters in a strong light. See also in Sidney Papers, vol. ii. p. 623, a Letter from the Earl of Northumberland to the Earl of Leicester.

as an auspicious event: But the courtiers, wherever they had influence, bestirred themselves, no less than the popular party, to have members of their principles returned; and there would appear to have been, in the lower House, a considerable number of the former, or at least of individuals who did not chuse to put themselves beyond the pale of court-preferment*.

Charles opened the parliament in person; but he committed the detail of business to the lord keeper Finch, the individual who had betrayed his duty to the last parliament, and had since carried the arbitrary principles of government to the very utmost limit. His speech now was as inconsistent with the canons of taste, as the rules of constitutional law. He stated, that "his majesty's kingly resolutions were seated in the ark of his sacred breast, and it were a presumption of too high a nature for any Uzzah uncalled to touch it;" yet, continues he, "the king is now pleased to lay by the shining beams of majesty, as Phœbus did to Phæton, that the distance between sovereignty and subjection should not bar you from that filial freedom of access to his person and councils; only let us beware how, like the son of Clymene, we aim not at the guiding of the chariot, as if that were the only testimony of fatherly affection: And let us remember that, though the king sometimes lays by the beams and rays of majesty, he never lays by

Meeting of
English
Parliament,
13th April,
1640.

* Whitelocke, p. 32.

majesty itself.”—His detail of affairs, particularly of the Scottish, was in a similar strain: The conduct of that people he characterized as the more horribly rebellious that any age had ever witnessed; for that they had cast off the loyalty and obedience which, by the laws of God, of nature, and of nations, they owed unto their sovereign; had taken up arms against the Lord’s anointed, had seized upon the trophies of honour, and invested themselves with power and authority, while they had even applied to foreign states for assistance against their king: That Scotland was the part of the royal dominions whither all the rheums and fluxes of factious and seditious humours flowed; that the king had therefore resolved to reduce them by a powerful army, though, as he had been forced into such a measure, so he would make his piety and clemency towards them conspicuous to all the world, provided they humbly returned to their duty. But,” continues the Keeper, “his majesty will not endure to have his honour weighed at the common beam, nor admit any to step between him and his virtue; and, therefore, as he would upon no terms admit the mediation of any person whatsoever, so he should judge it high presumption in any to offer it.”—That the charge of an army for subduing the Scots must be considerable, while the royal coffers were drained, though whatever had been drawn from the subject had, like vapours exhaled from the earth, returned to it in refreshing showers: That debts had already been incurred upon the security of the

king's personal estate, and the credit of his servants: That councils and deliberations which promised benefit might endure a debate; but that the present exigency was incapable of delay, and therefore that his majesty expected they would immediately grant a supply to enable him to take the field; while he pledged his royal word to give them time for other business afterwards.—Notwithstanding all that had passed about tonnage and poundage, he declared that the king had only taken the duty *de facto*, according to the example of former kings, who levied it from the deaths of their predecessors, till parliament had conferred it upon them by law; and that his majesty did not desire it but as the gift of his subjects*.

Had any thing been wanting to satisfy the parliament that Charles, though he had called them, was predetermined to deny them the power of a free assembly, this speech must have been sufficient. But it failed in the intended effect. No sooner had the commons chosen their speaker, and settled preliminary business, than they entered upon the state of the nation; and petitions poured in from the counties against the numerous illegal measures which the kingdom had groaned under for so many years. Many members, but particularly Grimstone, Waller, (the poet,) and Pym, dwelt at great length upon the various grievances, from arbitrary taxes, projects, and monopolies, whence

* Rush. vol. iii. p. 1114, *et seq.* Cobbett's Parl. Hist. vol. ii. p. 528, *et seq.* Old Parl. Hist. vol. viii. p. 397, *et seq.*

had accrued great profit to individuals, little to the crown—religious innovations, arbitrary courts, &c. The records of the Courts of King's Bench and Star Chamber were likewise called for, and the conduct of the speaker in the last parliament was inquired into. But, while they were thus proceeding with these weighty matters, they were summoned into the banqueting house before they had sat five days, that the lord keeper might propound to them the necessity of giving the king's business the preference to every other. The keeper again commented strongly upon the urgency of the occasion, stating, that his majesty's honour was engaged, and that the army would cost L.100,000 a month. That he might soothe them into compliance with the royal demand, he stated, that it had not been his majesty's intention to issue writs for ship-money this year, but that he had been since constrained to it for the purpose of preserving the sovereignty of the narrow seas, and repressing the insolence of the Algerines, who had now a fleet of sixty sail, and had taken many English vessels, one of them the Rebecca, worth no less than L.260,000. This last statement, however, could only serve to remind the House of the waste of that very treasure which had been so illegally extorted; and every friend to constitutional liberty must have been sensible, that by giving his vote for money to deprive the Scots of their rights, he put an engine into the royal hands for the extinction of his own.

Disappointed in this measure, Charles adopted another directly unconstitutional. He prevailed with the upper house, over which his influence was great, to use their interest with the lower to persuade it to vote a supply. The lords declared, that as they had the word of a king, and not only of a king, but of a gentleman, that he would afterwards listen to their grievances, they would no more be guilty of distrusting it than of the highest undutifulness. But their interference with the proceedings of the commons roused the indignation of that house, and the latter required some time to vindicate their privileges by adequate resolutions. A conference, which was managed on the part of the commons by Pym, St. John, and Holborn, was subsequently held between the houses about the various breaches of liberty, and of the rights of property, as well as the innovations in religion, and it was clearly discovered, on a motion for a second, that the majority of the house were determined to give grievances the precedence of any money bill. On the 2d of May, a message was delivered from the throne by Sir Henry Vane, that though his majesty had, in various ways acquainted them with the urgency of the public danger, which threatened equally the whole state, his own honour, and that of the kingdom, and which could only be averted by immediate supply, he had received no answer to his demand: That he had already informed them that delay was no less destructive of his own and the general security and honour than denial; and that

he again desired them to return an immediate answer, assuring them he still intended to keep his promise in regard to allowing them time for other business after his own was settled. The commons instantly turned themselves into a grand committee to take the message into consideration; but though they continued the debate till six o'clock in the afternoon, (at that time they met always at eight in the morning, and rose generally at twelve *) they came to no determination; and they resolved to resume the subject at eight on the next Monday morning. But scarcely had they assembled when they received a second message by Sir Henry Vane, that his majesty would accept of twelve subsidies, to be paid in three years, and would in return consent to any law abolishing ship-money; a proposition which imported a right to that illegal tax: That if they complied with his demand, he would still allow them as much time as possible now for their own business, and assemble them again at Michaelmas; but that he expected an immediate and positive answer. They again turned themselves into a grand committee, and spent the whole day in debate; but, as at six in the evening, they had not arrived at any conclusion, they desired Sir Henry Vane to inform his majesty, that they meant to resume the debate on the following morning. They met accordingly, but before they had entered on business, they were summoned by the usher of the black rod to attend

* Clar. vol. i. p. 132.

the king in the upper house. Charles having there complimented the lords, and declared his displeasure at the commons, commanded the lord keeper to dissolve the parliament*. Thus was it dissolved after it had sat about twenty days, though, according to Clarendon, it was not usual to enter upon any important business during the first fortnight, that there might be time for the appointment of committees and other preliminary matters†; but there is reason to believe that Charles and his advisers had formed a juster estimate of the lower house than the noble historian; for that, though there might be many members disposed to promote the views of the court, the majority would never have voted away the public money to further schemes calculated primarily to subjugate the sister kingdom; but, in the natural course of events, to extinguish British liberty for ever. Such, however, was the temper of the house, that some of the chief amongst the opposition so disliked it, that they could scarcely conceal their joy at the dissolution. Mr. St. John, with unusual satisfaction in his countenance, told Clarendon himself, then Mr. Hyde, “that all was well; that matters must be worse before they could be better, and that this parliament could never have done what was necessary‡.”

Dissolution
of the Par-
liament, 5th
May, 1640.

* Old Par. Hist. vol. viii. p. 420, *et seq.* Cob. Do. vol. ii. p. 542, *et seq.* Rush. vol. iii. p. 1127, *et seq.* May, p. 59.

† Clar. vol. i. p. 132.

‡ Clar. vol. i. p. 140. This author has a long statement to prove that this parliament was so well disposed, that had it not been pre-

No sooner was the parliament dissolved than Charles published a declaration to justify the measure, and ordered three members to be imprison-

cipitately dissolved, it would have supplied the throne; and that the issue was in a great measure attributable to Sir Henry Vane, who told the house that his majesty would not take less than the twelve subsidies. But the subsequent conduct of Vane was the cause of an unjust aspersion. The message from Charles for twelve was in writing, as Clarendon himself states, p. 135, and therefore the account by some authors that he commanded to ask only six subsidies, while Vane demanded twelve, is altogether unfounded. Indeed, this is evident from the fact itself, since ship-money, which was to be renounced, yielded far more than six subsidies payable in three years; and, therefore, Charles, who was so pressed for money, would have lost by the transaction. It is alleged by Clarendon, as the cause of the dissolution, that both Vane and Herbert, queen's solicitor, assured the king that the house would pass a vote against ship-money, which would blast that source of revenue; but that though Hampden and others laboured for this, they would not have been able to accomplish it. The house, however, seems to have been nearly unanimous in their opinion of ship-money; and the noble historian himself tells us, that Glanvill the speaker, who laboured all he could to procure the grant of 12 subsidies, wonderfully conciliated the house, by declaring that ship-money was against law, if he knew what law was, p. 137. This author says, that Charles condemned Vane's conduct, and wished to have recalled the parliament by proclamation. But his imprisonment of the members disproves this. See *Clar. Col. of State Papers*, where the integrity of Vane is manifest, the measure having been approved of as necessary by others, vol. ii. p. 83. Besides, Vane never forfeited the good opinion of his master by his conduct in this instance; and in the royal declaration the parliament is abused without mercy, while principles are stated which are contrary to the very first idea of a legislative assembly, and it is accused of having opposed those pretensions of prerogative. It is charged as a crime that Parliament acted as if kings were obliged to give an account of their regal actions and manner of government. *Rush.* vol. iii. p. 1160. The message delivered by Sir H. Vane is preserved by this Collector, p. 1154, and was recited in the royal declaration, *Id.* p. 1165. Heylin imputes no blame to Vane. *Life of Laud*, p. 421, 422. *Sidney Papers*, vol. ii. p. 652, 655. See Hardwicke's

ed for an unlimited time. These were, Mr. Crew, ^{Members imprisoned.} chairman of the committees, for refusing to deliver up to the clerk of the house certain petitions which had been presented against ship-money, and Sir John Hotham, and Mr. Bellasis, for refusing to disclose to the council what had passed in parliament. The study, cabinets, and even pockets of Lord Brooks were searched for papers*.

While the parliament was thus dissolved, and followed by such measures, the convocation was con- ^{Convocation and its proceedings.} tinued by a new commission which Finch and others declared to be lawful, in order that it might frame new canons, &c. which were condemned in the next parliament, as destructive of both the civil and religious liberty of the subject, and impose a subsidy upon the clergy exigible under the penalty of suspension, excommunication, and deprivation, without the privilege even of appeal. This tax was no less illegal than the canons, since, though the convocation was in the practice of making a grant of money, their act required the sanction of the legislature to render it lawful, being on

State Papers, vol. ii. p. 151, *et seq.* for a proof of the confidence reposed in Vane after the dissolution. Indeed, treachery on his part was impracticable in the presence of the other officers of the crown. I believe that the House was inclined to give six subsidies, (Whitelocke, p. 34.) but I conclude that it was upon the same condition that twelve were asked—that ship-money should be abolished—by which the revenue would have been diminished. The temper of the House was fully proved on the motion for a second conference with the lords, the division being 257 against it, and 148 only for it. Rush. vol. iii. p. 149.

* Rush. vol. iii. p. 1167.

their part merely a proposition to parliament. To give a colour to the present measure, it was pretended to be a benevolence, something different from a grant under that name, which every subsidy was, as if the power of giving were still reserved for every individual of the general body *.

Discontent
at the disso-
lution.

A parliament, after so long an interval, and such a train of arbitrary measures, had been hailed by the people as a sort of deliverance from bondage; and the general discontent at the dissolution was altogether unparalleled †. In every corner of London placards were posted up against Laud, denouncing him as the author of such a national calamity, and inciting one another to destroy him. These were followed with open violence, insomuch that it required all the precaution of the executive to rescue him from the popular fury. Five hundred at one time attacked his house, and the interposition of the military only saved him. One of the mob was apprehended and executed for high treason next morning—a measure which appalled the populace, but excited a murmur amongst the better informed as illegal, since there had been merely a riot, a few windows only having been broken, and the popular indignation not having been directed against the king, it could not be called a levying of war against him ‡.

* Whitelocke, p. 34. Rush. vol. iii. p. 1186. Heylin's Life of Laud, p. 422, *et seq.* Cobbett's Par. Hist. vol. ii. p. 659

† Sidney's Papers, vol. ii. 652. 653, *et seq.*

‡ Clar. vol. i. p. 139, 143. Whitelocke, p. 34. Rush. vol. iii. p. 1137, *et seq.*

It is now necessary to resume the narrative of Scottish affairs. Charles having resolved to pro-^{rogue the parliament a second time, appointed the Lords Elphingston and Napier, the Justice Clerk, and king's Advocate, his commissioners, in the place of Traquair, to perform that duty. But it having been discovered that the commission contained no warrant from Traquair, which seemed to be implied as necessary by the words of their powers; first Elphingston, and then Napier, declared that it was impossible for them to act upon it. The justice-clerk and the king's advocate, protested against them, (though many suspected that the latter was too deeply engaged with the covenanters to be very zealous in the business,) but the parliament proceeded. The articles which had been previously prepared, were passed into laws; and that there might be no pretext for asserting that there wanted a third estate, (in the language of the Scottish parliament, every thing was said to be done by the three estates,) to render their measures valid, they specially declared that the three estates were composed, 1st, of the nobility, 2dly, of the barons or commissioners of shires; and, lastly, of the commissioners of burghs. The royal assent was still awanting; but necessity obliged them to dispense with it, indeed it was not requisite by the old constitution of Scotland*, and the executive was transferred to a committee of the estates.}

For the support of the war, a tax, at the rate of

* See this fully proved by Laing, Note I. to Vol. I.

a tenth on rents, and the twentieth penny on interest, was imposed; and as this fell far short of the occasion, voluntary contributions, &c. supplied the deficiency. The clergy exhorted the people to advance their money liberally, and kindled such zeal, that the ladies brought into the public fund not only their plate, but their very jewels and rings. The Earls of Rothes and Cassilis granted their bonds for large sums, and one Dick, a rich citizen of Edinburgh, lent them many thousand pounds*.

As the Scots had long been preparing for hostilities, they were in a condition to take the field as soon as the king; and such was the female zeal, that their army, which consisted of twenty-three thousand foot, and three thousand horse, with a considerable number of small artillery†, was supplied by the ladies with cloth for tents.

English
army.

The English army was commanded by the king in person, by the Earl of Northumberland as ge-

* Baillie, vol. i. p. 203. Burnet's Memorial, p. 162. Balfour's Annals, MS. Rescinded acts.

† Mr. Laing imagined that he had made a discovery that Burnet was wrong in supposing these iron ordnance, for that they were leathern, in imitation of Gustavus Adolphus'; but all authorities concur in stating them as small metal pieces; so that this far fetched inference is groundless. See Hardwicke's State Papers, vol. ii. p. 144. Wentworth, in a letter to Laud, gives a particular account of them, as he had it from a gentleman whom he employed to obtain intelligence. "He tells me," writes he, "there is one Hamilton who hath of late cast a great number of brass pieces, which one horse may easily draw. He saw some of them upon the carriages being more than two foot long, and better than Saker bore." Let. and Disp. vol. ii. p. 271.

neral, and by Wentworth, who had a little before been created Earl of Strafforde, as lieutenant-general, Lord Conway being appointed general of the horse. Strafforde had however the principal direction of affairs. It was by his advice chiefly that the command had been devolved upon Northumberland and Conway, from an idea of the perfidy or incapacity of those who had commanded in the last war; but Northumberland appears, by his private correspondence, to have incurred the suspicion of being disaffected, because he was fully sensible of the real distress of his master, and the difficulties with which he must necessarily struggle*.

Though Charles had succeeded in collecting an army, he was destitute of funds to keep it together for any length of time. The grant by the convocation, three subsidies, which, by the dexterity of Strafforde, had been obtained from the Irish parliament, and contributions and loans by minis-

Projects of
Charles to
raise
money.

* "The particulars of the unhappy breache of the parlement," (writes Northumberland to the Earl of Leicester, on the 7th of May 1640,) "your Lordship will hear from divers; I am certaine the captain will relate it punctually. Notwithstanding the dissolution, the king intends vigorously to pursue his former designes, and to leauie the same army of 30,000 foote, and 3000 horse. About 3 weeks hence, they are to be drawne together; but as yet I can not learne by what means we are certaine to gett one shilling towards the defraying this greate expence. What will the world iudge of us abroad to see us enter into such an action as this is, not knowing how to maintaine it for one month? It greeues my soule, to be inuolued in these councells; and the sence I have of the miseries that are like to insu, is held by some a disaffection in me: but I regard little what those persons say, or think of your Lordship's most faithful, &c." Sidney Papers, vol. ii. p. 652. See p. 626, 627, 629.

ters of state, &c. fell far short of the exigency, and the most illegal projects were resorted to in vain. The bullion belonging to the Spanish merchants was seized, and only returned upon their granting a large loan ; but Charles reproached his ministers for their timidity in thus returning the gold ; pepper belonging to merchants was also seized, and sold at a great undervalue, though the king bound himself to indemnify the sufferers : an old favourite scheme of Charles too, that of coining base money, three-fourths copper and one silver, was now meditated ; and he was only prevented from attempting the measure, to the extent of two or three hundred thousand pounds, by the representations of the council as to its impracticability, or rather by discovering that they would not join him in his plan. The abandonment of the project was, however, held out to the city as an inducement to lend that amount ; but the application there was no less successful than the other measures, though some of the aldermen were committed to prison for refusing to give a list of those who were able to lend. The city, indeed, had a particular cause of discontent, their plantation of Londonderry having, by an unjust decree of the Star-Chamber, been taken from them. Even the old oppressive modes of extorting money were now very unproductive. Ship-money was resisted, and threats against the high sheriffs for negligence in collecting it, were unaccompanied with any great effect. Coat and conduct money, furnishing of horses, &c. were resisted, and billeting of soldiers

complained of. Another scheme to procure money from Spain, by the marriage of the princess, proved abortive *.

The troops whom Charles was almost destitute of the means of keeping together by affording them part of their pay, began to mutiny in different quarters, declaring that they would not fight to maintain the power of the bishops, and, in one instance, they killed their lieutenant as a suspected papist. Lord Conway wrote to Laud, recommending martial law, and declaring, that if the soldiers imagined that it was illegal to punish their disorders in that way, the service would be ruined. He dissuaded from taking the opinion of lawyers upon the subject, for that they would decide the point by their disobedience, as the country did by their ship-money, and proposed to hang the first lawyer who delivered an opinion against the measure †.

The Scots had marched to the borders, but they continued there three weeks improving in military discipline ; and as their enthusiasm was kept up by

* Sidney Papers, vol. ii. p. 655, 656, 657, 658. See Clar. State Papers, vol. ii. p. 74, 84, 85, 86, 87, 89, 112, 114, 115, *et seq.* They present a miserable picture. Hardwicke's State Papers, vol. ii. p. 147, *et seq.* Clar. Hist. vol. i. p. 146. Whitelocke, p. 35. Rush, vol. iii. p. 1177, *et seq.*

† Rush. vol. iii. p. 1191, *et seq.* The king," says Heylin, "neither found the same men nor the same affections as he had so unfortunately discharged the year before ; many of the soldiers being so ill principled, or so persuaded, that, in their marchings through the country, they brake into churches, pulled up rails, threw down communion tables," (why does not the author as usual call them altars in this place?) "defaced the common prayer books, tore the surplices, and committed many other acts of outrageous insolence." Life of Laud, p. 454. Whitelocke, p. 35. May, p. 64.

The Scots
pass the
Tweed,
August 21,
1640.

the exhortations of the clergy, they were a truly formidable body. Edinburgh castle had been taken by a detachment left behind, and effectual measures were adopted by Argyle and others for repressing the king's friends in the north. No sooner was it announced that Conway had advanced to Newcastle, than the army under Leslie struck their tents to march into England, and crossed the Tweed at Coldstream *. This important measure was not adopted by the Scots, without full assurances of a favourable disposition in England, and they published a declaration of their friendly motives, and containing an appeal to their gallant countrymen upon the necessity of the proceeding. This bold stroke, which the commencement of hostilities by the royal navy afforded a pretext for, had been predicted by Marquis Hamilton, and created alarm in Charles. To meet the invaders, he tried a general array at the expence of the inhabitants; but the proposal was, every where,

* This has been attributed to a letter which was forged by Lord Savile, in the name of some English noblemen, inviting them: but the Scots were not so easily moved, and Whitelocke's account is conclusive, for he says he himself was applied to, amongst others, even in the preceding year, p. 30, 32. It is extraordinary that we find no account of such a letter in the cotemporary correspondence. Now it must have led to a strange explanation, and could scarcely be thus passed over in silence. I suspect, therefore, that the whole story was an after fabrication against that nobleman, at all events, it could not move the Scots, who, according to Clarendon, Baillie, and others, had friends even at Court, who advertised them of every motion, and corresponded with them on every circumstance. See Hailes' Col. Hardwicke, vol. ii. p. 145. The fact, too, carries internal evidence with it, from their various negociations. Sidney Papers, vol. ii. p. 645. *et seq.* Mem. D'Estrades, tome i.

heard with coldness and disaffection ; the Yorkshire men, in particular, having declared their inability to follow the royal standard without a previous advance of twelve days' pay ; and the gentry appear to have been unmoved by the eloquence of Strafforde, who, in the king's presence, assured them, that none but beasts would hesitate on such an emergency.

The Scottish army marched to Newburn without interruption ; but as Leslie's request to be permitted to pass the Tyne was then, of course, refused, he determined to force a passage. Conway had erected works on the opposite side of the river ; but these were so slight, that an unexpected fire from the Scottish artillery, obliged his undisciplined and lukewarm troops to abandon the batteries. The Scots then passed the river, a small troop of six or seven and twenty lawyers on horseback, having led the way, and the artillery, though attended with little carnage, forced the English cavalry, which were drawn up to receive the assailants, to retire. Leslie perceived the advantage, and quickly advancing with his reserve, routed the English army. The standard of the general, three generals, and many gentlemen fell into the hands of the victors. But they did not follow up their success, being partly prevented by the approach of night, and partly by the neighbourhood of a wood to which the English retired, but much more by their affection to their southern neighbours, whom, as strangers to the spirit of hostility which rankled in the bosom of their common

English army routed at Newburn, August 28, 1640.

king, it was their interest to conciliate. The loss on the part of the English was variously estimated, from sixty to five hundred: that of the Scots did not amount to a dozen—though it included a gallant young man, the only son of Sir Patrick M'Ghie of Largo hills, who was slain by his countrymen in a mistake, as he flourished the English colours which he had seized.

The Scots
take New-
castle.

The English general held a council of war at midnight, where it was resolved to retreat towards Durham in the morning, and then to retire into Yorkshire. Newcastle, which was evacuated by the troops, and, in a great measure also, by the inhabitants, was surrendered to the Scots next day, who found in the royal magazine there, a timely supply of biscuit and cheese, and also 5000 stand of arms, &c. No victory could have happened more opportunely. Before it, they were in a miserable plight. Destitute of money, they were likewise disappointed in their hope of a supply from the English; and they perceived, that, if they lived for any time at free quarters on the inhabitants, they would raise the country against them. Many of their men, too, suffering from want of victuals, and the strictness of military discipline, had run from their colours: but they met a just return for their misconduct, in being intercepted by the English troops at Berwick. The present success revived the spirit of the army as well as it afforded them necessaries; and other propitious events, the surrender of Dunbarton by the king's forces, and the defeat of an incursion from Berwick, all oc-

curring on the same day, which had been devoted to a general solemn fast by the church, the whole appeared like a special interposition of Providence in their favour, and, being regarded in that light, elated them with hope *.

With Newcastle, the Scots also obtained possession of Tynemouth, Shields, and Durham, and they might have quickly brought the metropolis to great straits, by stopping its supply of coals; but their policy was very different. The people every where fled; but the mild conduct of the Scots soon conciliated all. They did, indeed, take victuals, for which they only paid in part; but they gave their notes for the residue of the price, and declared that the necessity of their situation alone induced them to adopt such a course †.

Charles had been sadly disappointed in his anticipations of powerful armies. Strafforde's boast of bringing over 10,000 foot, and 1500 horse from Ireland, had entirely failed; and the royal army, which was expected to amount to 20,000 foot, and 2000 horse, did not exceed in all 15,000, and these were both ill-disciplined and disaffected. On this emergency he retreated from Northallerton to York. In the mean time twelve peers assembled in London to petition the king for another parlia-

Situation of
the king.

* Baillie, vol. i. p. 203, *et seq.* Conway's Narrative in Clarendon's State Papers, and Hailes. Nalson, vol. i. p. 426. Balfour's Annals.

† Nalson, vol. i. p. 426. Baillie, vol. i. p. 210. "Some of the English, under our blue caps, became robbers every where," "at once libels full of outrages done or feigned, by the English themselves, are presented to the king against us," p. 209. May, p. 64, *et seq.* Rush. vol. iii. p. 1238, *et seq.* Hardwicke's State Papers, vol. ii. p. 159, *et seq.*

ment,—setting forth the national grievances in the strongest light. The city adopted the same measure, and drew a striking picture of the general decay of industry from so many oppressions. Perplexed on all sides, unsupported by the people, and dampt with the disaffection and even mutiny of the troops, Charles determined to negotiate, and at so alarming a crisis, summoned a council of peers at York to consult with on the posture of affairs *.

Conduct of
Strafforde.

As much has been said, particularly by Clarendon, about the opposition of Stafforde to any treaty, and the proof which he afforded the king of the practicability of driving the Scots out of England, it will be necessary in this place to clear up that point. When the royal army first marched north, he was confined by a severe fit of the stone, a disease which appears to have been very prevalent in that age. But the natural overbearing violence of his temper suggested to him, that the side on which his all depended, required only to act vigorously in order to be victorious. Conway had prudently resolved to decline an engagement, and rather to retreat upon the main army; and it was the reproaches of Strafforde that induced him to abandon his own plan and hazard a battle at Newburn, where he was so shamefully routed. Strafforde then appears to have imagined, that his own presence would retrieve affairs, and he entered the

* Whitelocke, p. 35, 36, 37. Rush. vol. iii. p. 1260, *et seq.* Nelson, vol. i. p. 435, *et seq.* Hailes' Col.

camp before his disease had entirely left him. The state of his body affecting a naturally irritable temper, made him act with such outrageous indignation against all the officers, that, according to Clarendon, "the army was, in a short time, more inflamed against him than against the enemy." But his own observation soon satisfied him of the justice of the previous representations which had been made to him, and he seems to have acquiesced in the propriety of negotiating as no longer avoidable amid such disaffection in the troops, such discontent in every quarter of the country, and such distress for money, that Conway says that the army, for want of pay, could scarcely be held together. The story told by Clarendon of his having defeated some troops of Scots with an equal number of English, to convince the king how easily the invaders might be overcome, is quite ridiculous, and arose from a trifling incident, that of one troop of Scots which had privately gone out on a marauding, or plundering, expedition, having been intercepted by several troops of English. As this was magnified by the noble historian, whose hatred of the Scots appears to have inclined him to deny them, not only the natural courage, but the physical strength of ordinary men, into so notable an affair, it ought to render us cautious in receiving his account of other transactions *.

* See Hardwicke's State Papers, p. 183. See other letters, particularly p. 191, and Minutes of the Great Council of Peers, from p. 208 to 298. Strafforde indeed said, that if money could be had,

Council of
peers at
York, and
treaty at
Rippon.

When the council of peers assembled at York, they were resolved to advise the king to call a parliament instantly; and Charles, who had foreseen this, anticipated the motion, by informing them that he had resolved upon it by the advice of his consort, whom he expected in this way to ingratiate with his subjects. He seems to have imagined that the peers might themselves have imposed a tax on such an emergency, and one of them delivered an opinion to that effect; but the rest all concurred in declaring a parliament to be the only remedy for the present evils, as well as the only legitimate organ of taxation. The first point to be settled, was the subsistence of the Scottish troops, which fell heavily upon the northern counties; and this, with other preliminary business, consumed a considerable portion of time; but, at last, L.850 a day were allotted for the Scots, whom Charles was now constrained to support as well as his own army. In order to raise L.200,000, he was obliged to apply to the lords for their personal responsibility to the city of London for such a sum on loan—so changed was the condition of that monarch, who, a few months be-

and the disaffection of the troops and people be cured, the Scots might be driven out—a proposition, of the truth of which few could doubt; but he acknowledges that, under the present disaffection, any idea of fighting was desperate; and states, that without an immediate supply the royal army could not be held together, when the whole kingdom would be open to the Scots; and, what is most extraordinary, he says, “he had never advised to fight,” p. 294. Leslie stole the hearts of the English people, p. 159, 164. Clarendon’s State Papers, vol. ii. p. 97, *et seq.* Hist. vol. i. p. 144, 159.

fore, had imprisoned the lord mayor and aldermen because they refused to betray their office, by assisting him to extort such a sum from the citizens. The loan, even now, was granted on the faith of a parliament's being immediately summoned; and when the writs were delayed, the city intimated its resolution to withhold the money *.

The terms demanded by the Scots were, a ratification of the acts of their late parliament; absolving their countrymen in England and Ireland from an illegal oath which had been imposed on them by the advice of Strafforde about the first breaking out of hostilities; the restoration of their property, and the removal of every impediment to a free trade; giving up incendiaries, as Strafforde and Laud, to trial; and supporting their garrison in Edinburgh for the defence of the people. The parties could not agree upon the terms, and the treaty was protracted till it was deemed expedient to remove it to London, whither the parliament was summoned. To this, and granting a parliament at such a time, the future misfortunes of Charles, and the triumph of the popular party, have been attributed—but unjustly. In every grand revolutionary period, each movement has been attributed to some trifling cause, because that incident preceded, and in some measure regulated, it. Every act of the power that falls, is then alleged

Treaty removed to London, whither a parliament was summoned.

* Clar. Hist. vol. i. p. 146, *et seq.* State Papers, p. 140, *et seq.* particularly p. 130, 131, 132. See whole proceedings in the second volume of Hardwicke's State Papers already referred to. Whitelocke, p. 36, 37. Rush. vol. iii. p. 1295. Hailes' Col. p. 110.

to have hastened its fate ; if it act vigorously, this at once brings matters to a crisis, and is pronounced imprudent ; if it temporize, that is equally condemned as encouraging the disaffected by indecision. Thus it happened in the present case. The error of Charles was in interfering so absurdly with the religion of the state, as well as in overturning the vital principles of the constitution ; but, while he persisted in such a scheme, every step only accelerated his own downfall, and has therefore, in relation to that business, been unjustly condemned. The whole people of England were now inflamed against the executive, and loudly demanded a parliament. The continuance of the treaty at Rippon, and the refusal of a parliament, though they might have led to some difference in the result, would have, in all probability, given a still more terrible turn to affairs, which again would have provoked censure, and caused the whole disasters to be imputed to the king's obstinacy in not complying with the universal wish of his people to call a parliament, as well as in not removing the treaty to the metropolis. From the general disaffection of the army, all men, including Strafforde himself, were satisfied that the attempt to bring it into action would have been pregnant with ruin ; and had the city of London not granted a loan upon the security of the peers, the troops could not have been kept together. Hence Charles would have been in a very short time destitute of military support, while the Scottish army was in full spirit. But as the lords interposed their credit, and the

city even then made the loan upon the promise and faith of a parliament, he was left only to the alternatives of complying with the wish of his people, by calling a parliament, or of exposing the whole government to the Scottish army, while he utterly lost the hearts of the English. The Scots, on the other hand, daily gained upon the affections of Englishmen, and they had resolved to winter in England, unless the prince complied with their demands. As for continuing the treaty at Rippon, while the parliament was held at Westminster, it was in effect impracticable. This important business, in which the parliament was so deeply interested, must have been substantially transacted at the seat of government; and therefore the result, under a different form, would have been the same. But it has been alleged, that Charles ought to have called the parliament to York instead of London, where the factious disposition of the citizens gave such a preponderance to the commons. It was, however, natural and politic in him to hold the legislature at a distance from an army which was hostile to him; and it was his interest to conciliate the metropolis, instead of giving it a fresh, and great, cause of provocation, at such a crisis, by so strong a proof of distrust: So unusual an event too, could not have failed to excite the utmost jealousy in all quarters, of some sinister purpose, and must thus have diffused a still deeper-rooted spirit of disaffection. It was in a great measure the advantage which the turbulence of the metropolis afforded against

the popular cause, by inspiring fears into the aristocracy of a design to overturn their exclusive privileges, that induced them to join the royal standard, and thus put the monarch at the head of an English army. From the predetermined purpose which he always betrayed, never to make a concession with an intention to keep it, and his various intrigues with the Irish and foreign states for troops to subjugate Britain, it is most probable that even in so forlorn a condition, he would not have yielded to the general wish: But rash measures of that description could only have hastened the catastrophe. He had just one chance left of attaining security, that of retracing his steps, and sincerely yielding to constitutional measures*.

The situation of Charles was now deplorable; as he had selected his servants for their aptitude to promote his arbitrary plans, he could not expect that they who were false to their country could be true to him; and his council was rent with faction. "The court," says Clarendon, "was full of faction and animosity, each man more intending the ruin of his adversary, and satisfying

* Clar. Hist. vol. i. p. 160, 161. Heylin's Life of Laud, p. 457. This writer, in opposition to all other authorities, says, that Strafforde gained the affections of the soldiers.

The real feeling of the English appears strongly from the following passage of a private letter from Baillie. "Nothing frays" (affrights) "all here so much as our quick agreeing with the king, and the disbanding of our army thereupon. Under God, they all everywhere profess, that they are owing to that army their religion, liberties, parliaments, and all they have: That, if we take conditions for ourselves, they say they are undone." Baillie, vol. i. p. 220, 224. Dec. 2, 1640.

his private malice, than advancing his master's service, or complying with his public duty, and to that purpose directing all their endeavours, and forming all their intercourse; whilst every man unwisely thought him whom he found an enemy to his enemies, a friend to all his other affections, or rather by the narrowness of his understanding, and extent of his passion, contracted all his other affections to that one of revenge *."

It is singular, that the pacification of Berwick was now proposed by the king himself as the basis of the treaty, though he had formerly denied the terms †.

* Clar. Hist. vol. i. p. 142, 143. "The straight friendship that was betwixt 112 (Lord Archbishop) and 115 (Lord Lieutenant Strafforde) is shaken," writes Northumberland to Leicester, 22d July 1640, "and the great confidence is now between 119 (Cottington) and 115 (Lord Lieutenant,) 106 (Hamilton) seems to keep an interest in them all: but he deceives the world, if he have kindness for them or any body else." Sidney Papers, vol. ii. p. 657. By some mistake, I had not taken a note of this when I formerly mentioned the breach of friendship between Strafforde and Laud; and though I recollected of having seen such a passage, I could not, on the instant, recollect where. This accounts sufficiently for the language of Lord St. Alban's and Clarrickard, in regard to his enemy Strafforde, (from whom he had suffered much,) "that when the Parliament did sit, the day would come should pay for all," uttered in a letter to Laud's confidential creature, Windebank, 9th October, 1640. Hardwicke's State Papers, vol. ii. p. 196. See Sidney Papers, vol. ii. p. 655, for a character of Windebank. The Earl of Northumberland calls him, in a letter to Leicester, "the basest and falsest creature that lives." In p. 623, in another letter, he says, "to think well of 542 (reformed religion) is cause enough to make 112 (archbishop) their enemy."

† "If the pacification," says Vane to Windebanke, "could be the medium, I conceive it were to be endeavoured by us, but I do apprehend ruder conditions; and that we shew so much our desires for peace, that they will grow the more insolent upon us." Hard-

wicke, vol. ii. p. 189. Does not this prove that the terms of that pacification were understood and violated by the king? Id. p. 191.

“ The treacherous, the cruel, the unrelenting Philip,” says Mr. Hume, “ accompanied with all the terrors of a Spanish inquisition, was scarcely, during the preceding century, opposed in the Low Countries with more determined fury than was now by the Scots, the mild, the humane Charles, attended with his inoffensive liturgy.” To those who have attentively weighed the preceding detail, supported as it is with unquestionable authorities, this must appear a most extraordinary statement: yet, as the fallacy of the whole passage may not at once strike every reader, we shall unravel it. With regard to the private characters of these individuals, they must justly be left out of the question. It is a poor apology to a people for violated rights, that their prince is, for instance, a faithful husband. Let us then compare the public conduct of these sovereigns. Philip lived in a new era of the world, when the wisest men were lost in amazement at the terrible aspect of affairs, and dreaded lest the spirit of innovation, which manifested itself in such a variety of forms, should confound all the rights of property, and relations of society, and Philip was necessarily affected with the general panic. Charles flourished after the lapse of a century had banished the alarm, by bringing matters to the test of experience, and when, therefore, there was less excuse for persecution. Philip merely maintained the principles, civil and religious, which had been established time immemorial before his age. Charles waged war with all the civil and religious institutions of his country, because they crossed his desire of arbitrary power. As for treachery, let the acts of Charles be weighed, from first to last, as they appear even by his own letters, &c. As for unrelenting cruelty, let it only be considered, that he was prepared to destroy the people of his native country with fire and sword, as is manifest from documents under his own hand, because they would not adopt his creed. On one condition they might have found him mild and humane, and stilled every inclination to cruelty—by submitting to all his innovations. But I know not upon what principle he deserves the character of mildness in a business where he proclaimed a purpose sooner to die than renounce his innovations; though he knew and avowed that his object was fraught with the utter ruin of his countrymen. But Philip was accompanied with a Spanish Inquisition: Now, if a people must be forced by arbitrary violence to embrace a certain worship, and no toleration is to be allowed, it matters not whether the violence appears in the shape of an inquisition or not. The violence and persecution must, in such a case, be proportioned to the

resistance. Charles would be satisfied with nothing short of absolute submission, and Philip could not desire more. Mr. Hume did not hesitate to call the Court of High Commission, erected under Elizabeth, an inquisition. But, in spite of his assertions to the contrary, we have proved, that its powers were extremely limited during that reign; that, as it was established by statute, so its authority was always restrained by the Courts at Westminster, within the bounds prescribed to it by law, which permitted ecclesiastical censures only, while, under the present prince, its authority was arbitrarily extended, yet that Mr. Hume's statements are calculated to convey a very different picture. It is remarkable, however, that the same writer, who saw every proceeding by the Tudors in so odious a light, should have been so blind to the administration of their successors, as to have espied no ground of censure in the erection of a court in Scotland, called a Court of High Commission, without even a pretext or colour of law: nor even in the warrant by Charles to erect a subordinate Court of Commission in every diocese. These, as they were established without a colour of law, and against an express statute, which prohibited the establishment of new Courts, acted up to the arbitrary principle on which they were brought into existence, and were nothing short of an inquisition. It is, however, ridiculous to talk of particular Courts, when all were so corrupted, and the canons denied to the people every thing like civil or religious liberty. But then his liturgy was inoffensive. Inoffensive! could that be inoffensive which excited such universal abhorrence? The expression implies a contradiction in terms. Possibly Mr. Hume meant that it ought to have been inoffensive, for that the innovations were harmless in a religious sense. Admit this principle, however, and there is end of every notion of tolerance in a state: Every sect proclaims the soundness of its doctrine. But surely a more liberal spirit might have been expected from a philosopher; and it never can be allowed to a prince to change the public religion at his pleasure. It is vain, too, to allege, that the innovations were trifling. It is enough that they were hateful to the people; and, as we have all along said, the more indifferent they were abstractly, the less apology is there for the monarch's having so arbitrarily obtruded them. If it be said that he acted from piety, then the same apology is due for the people; and it should never be forgotten that they adhered to the religion established by law, while his purpose was to change it. The innovations were, however, of the last importance; and, as we have fully established by his own correspondence, &c. he was actuated, not by religious feelings, but a desire of power.

NOTES TO VOLUME II.

NOTE A.

Pope Gregory XV.'s Letter to the Prince of Wales during his residence in the Peninsula.

“ Most Noble Prince, we wish you health and light of God’s grace. For as much as Great Britain hath always been fruitful in virtues, and in men of great worth, having filled the one and other world with the glory of her renown, she doth also very often draw the thoughts of the holy apostolical chair to the consideration of her praises. And, indeed, the church was but then in her infancy, when the King of kings did chuse her for her inheritance, and so affectionately, that ’tis believed the Roman eagles were hardly there before the banner of the cross. Besides that many of her kings, instructed in the knowledge of the true salvation, have preferred the cross before the royal sceptre, and the discipline of religion before covetousness, leaving examples of piety to other nations, and to ages yet to come ; so that having merited the principalities and first places of blessedness in Heaven, they have obtained on earth the triumphant ornament of holiness. And although now the state of the English church is altered, we see, nevertheless, the court of Great Britain adorned and furnished with moral virtues which might serve to support the charity we bare unto her, and be an ornament to the name of Christianity, if withal she should have for her defence and protection the orthodox and Catholic truth. Therefore by how much the more the glory of your most noble father, and the apprehension of your royal inclination delights us, with so much the more zeal we desire, that the gates of the kingdom of heaven might be opened unto you, and that you might purchase to yourself the love of the universal church.

Moreover it being certain that Gregory the Great, of most blessed memory, hath introduced to the people of England, and taught to their kings the law of the gospel, and the respect of apostolical authority, we, as inferior to him in holiness and virtue, but equal in name and degree of dignity, think it very reasonable that we, following his blessed footsteps, should endeavour the salvation of those provinces, especially at this time, when your design, most noble prince, elevates us to the hope of an extraordinary advantage. Therefore, as you have directed your journey to Spain towards the Catholic king, with desire to ally yourself to the house of Austria, we do commend your design, and indeed do testify openly in this present business that you are he that takes principal care of our prelacy; for, seeing that you desire to take in marriage the daughter of Spain, from thence we may easily conjecture that the ancient seeds of Christian piety which have so long flourished in the hearts of the kings of Great Britain, may, God prospering them, revive again in your soul. *And, indeed, it is not to be believed, that the same man should love such an alliance, that hates the Catholic religion, and should take delight to oppress the Holy Chair.* To that purpose, we have commended that most humble prayers be made continually to the Father of Lights, that he would be pleased to put you as a fair flower of Christendom, and the only hope of Great Britain, in possession of that most noble heritage which your ancestors purchased for you, to defend the authority of our sovereign High-priest, and to fight against the monsters of heresy. Remember the days of old, inquire of your fathers, and they will tell you the way that leads to heaven, and what way the temporal princes have taken to attain to the everlasting kingdom. Behold the gates of heaven opened! The most holy kings of England, who came from England to Rome accompanied with angels, did come to honour, and do homage to the Lord of lords, and to the Prince of the apostles, in the apostolical chair; their actions and their examples being as so many voices of God, speaking and exhorting you to follow the course of the lives of those to whose empire you shall one day attain.

Is it possible that you can suffer that the heretics should hold them for impious, and condemn those whom the faith of the church testifies to reign in the heavens with Jesus Christ, and have command and authority over all the principalities and empires of the earth? Behold how they tender you the hand of this truly happy inheritance, to conduct you safe and sound to the court of the Catholic king, and who desire to bring you back again into the lap of the Roman church; beseeching, with unspeakable sighs and groans, the God of all mercy

for your salvation, and to stretch out to you the arms of the apostolical charity to embrace you with all Christian affection, even you that are her desired son, in shewing you the happy hope of the kingdom of heaven. And indeed you cannot give a greater consolation to all the people of the Christian world, than to put the prince of the apostles in possession of your most noble Island, whose authority hath been so long in the kingdom of Britain for the defence of kingdoms, and for a divine oracle. The which will easily come to pass, and that without difficulty, if you open your heart to the Lord that knocks, upon which depends all the happiness of that kingdom. It is from this our great charity, that we cherish the praises of the royal name, and that which makes us desire that you and your royal father may be stiled with the names of the deliverers and restorers of the ancient and paternal religion of Great Britain.

This is it we hope for, trusting in the goodness of God, in whose hands are the hearts of kings, and who causeth the people of the earth to receive healing, to whom we will always labour with all our power to render you gracious and favourable. In the interim, take notice by these letters, of the care of our charity, which is none other than to procure your happiness; and it will never grieve us to have written them, if the reading them stir but the least spark of the Catholic faith in the heart of so great a prince, whom we wish to be filled with long continuance of joy, and flourishing in the glory of all virtues.

Given at Rome, in the palace of St. Peter, the 20th of April, 1623, in the third of our Popedom.

Rush. vol. i. p. 78.

(Old Translation.)

*“Gregorius P. P. XV. Duci
Buckinghamiæ.*

*Pope Gregory to the Duke
of Buckingham.*

“NOBILIS VIR,—Salutem et lumen divinæ gratiæ. Autoritas qua nobilitatem tuam in Britanna regia florere accipimus, non modo meritorum præmium, sed virtutis patrocinium habetur. Egregium plane decus, atque adeo dignum, cui populi illi addi cupiant diuturnitatem: Verum vix

RIGHT HONOURABLE,—We wish you health, and the light of grace. The authority which we understand you have in the court of England, is accounted not only the reward of merit, but the patronage of virtue. A remarkable honour, indeed, and of such worth that the people there ought to

dici potest quantus ei cumulus gloriæ in orbe terrarum accederet si, Deo favente, foret Catholicæ religionis præsidium: facultatem certe nancisceris, qua te eorum principum conciliis inserere potes, qui nominis immortalitatem adepti ad cœlestia regna pervenerunt. Hanc tibi a deo tributam, et a pontifice Romano commendatam occasionem, ne elabi patiare, Nobilis Vir; non te præterit, regalium consiliorum conscius, quo in loco Britannæ res hac ætate sit, quibusque spiritus sanctæ loquentis vocibus principum tuorum aures quotidie personet. Quæ gloria esset nominis si te hortatore ac suasore, Anglicani reges cœlestem illius gloriæ hæreditatem recuperarent quam majores eorum amplissimam in iis regnis reliquerunt, divini cultus incrementa curando et pontificiæ autoritatis ditione, non solum, tuenda sed etiam propaganda! Multi fuerunt, atque erunt in posterum, quos benevolentia regum perituris divitiis locupletavit, et invidiosis titulis auxit; atque ut id nobilitas tua consequatur, non ideo sempiternis laudibus nomen tuum memor posteritas colet: at enim si consilia tua potentissimos reges, populosque ad ecclesiæ græmium reducerent, scriberetur nomen tuum in libro viventium quos non tangit tormentum mortis ac te historiarum monumenta in eos sapientes referrent in quorum splendore reges ambulaverunt. Quibus autem te

pray for its continuance. But it can scarce be expressed what an access of glory it would receive in the world, if by the grace of God it should become the safeguard of the Catholic religion. You have the means to ingraft yourself into the assembly of those princes who, having obtained an immortal name, have purchased the heavenly inheritance. Suffer not, Honourable Sir, this occasion to slip out of your hands, afforded you by God, and recommended to you by the Pope of Rome. You are not ignorant, as intimate in the king's counsels, in what condition the affairs of England are in this our age, and with what voices of the Holy Ghost speaking, the ears of your princes daily tingle. How greatly would you be renowned, if by your persuasion and admonition, the kings of England should obtain the heavenly inheritance of that glory which their ancestors left them most ample in those kingdoms, by taking care of the increase of God's worship, and not only defending, but propagating the dominions of the Pope's authority. There have been, and there will be many hereafter, whom the favour of kings hath much enriched with wealth that fadeth away, and honoured with envious titles: And if your Honour attain this, posterity will not therefore adore your memory with everlasting praises. But if your advice should reduce potent kings and nations to the lap of

præsentis vitæ solatiis et futuræ præmiis remuneraretur Deus ille, qui dives est in misericordia, omnes facile provident quibus nota est ars et vis qua regnum cœlorum expugnatur. Tantæ te felicitatis compotem fieri ut cupiamus efficit non solum Pontificia charitas, ad cuius curas totius humani generis salus pertinet, sed etiam genetricis tuæ pietas, quæ cum te mundo peperit Romanæ etiam ecclesiæ quam ipsa matrem suam agnovit iterum parere cupit: Proin cum in Hispanias profectionem paret dilectus filius religiosus vir Didacus de la Fuente, qui gravissima principum tuorum negotia in urbe sapienter administravit, ei mandavimus ut nobilitatem tuam adeat atque has apostolicas literas deferat quibus Pontificiæ charitatis magnitudo et salutis tuæ cupido declaretur. Cum ergo audire poteris sententiæ nostræ interpretem, atque iis virtutibus instructum quæ exterarum nationum amorem Catholico etiam et religioso sacerdoti conciliare potuerunt. Ille quidem ea de te in hac orbis patria prædicavit, ut dignus sit quem singulari affectu complectaris et autoritate tua munias Britannorum regum populorumque saluti et gloriæ inservientem. Nos quidem patrem misericordiarum orabimus ut nobilitati tuæ cœlestis regni fores patefaciat et frequentia præbeat clementiæ suæ documenta.

the church, your name would be written in the book of the living, whom the pangs of death assault not; and the records of historians would number you among those sages in whose light and conduct kings have walked. And with what comfort of the present life, and reward of the future, that God who is rich in mercy would recompence you, they easily foresee who are acquainted with the skill and violence with which the kingdom of heaven is conquered. That we wish you to be partaker of so great happiness, not only our Papal charity moves us, to whose care the salvation of mankind belongeth, but also the piety of your mother, who, having brought you forth to the world, desires to bring you forth again to the church, whom she acknowledges for her mother. Therefore Didacus de la Fuente, our beloved son, a friar, who hath prudently managed the most important affairs of your princes here in Rome, being to go to Spain, we have commanded him to wait upon your Honour, and to deliver you these apostolical letters to evidence the greatness of our Papal charity, and our desire of your salvation. You may be pleased to hearken to him as the interpreter of our mind, and one adorned with those virtues which have been able to purchase the love of foreign nations to a Catholic and regular priest. Truly he hath spoken such things of you in this

Datum Romæ apud Sanctam
Mariam majorem sub annulo
Piscatoris, die 19 Maii, 1623.
Pontificatus nostri Tertio."

*Carolus Princeps Gregorio
PP. XV.*

SANCTISSIME PATER—Beatitudinis vestræ literas non minore gratitudine et observantia accepimus, quam exigat ea qua novimus exaratas insignis benevolentia, et pietatis affectus. Atque illud imprimis gratum fuit nunquam satis laudata majorum exempla inspicienda nobis a vestra sanctitate atque imitanda fuisse proposita: Qui licet multoties omnium fortunarum et vitæ ipsius discrimen adiverint, quo fidem Christianam latius propagarent, haud tamen alacriori animo in infestissimos Christi hostes, crucis Christi vexilla intulerunt, quam nos omnem opem et operam adhibebimus ut quæ tam diu exultavit pax et unitas in Christianam rempublicam postliminio reducatur.

country of the world, that he is worthy, whom you should cherish with a singular affection, and protect with your authority, as one studious of the glory and safety of the king and people of Great Britain. We will pray the Father of mercies that he would open the doors of the kingdom of heaven to your Honour, and afford you frequent evidences of his clemency.

Given at Rome, &c.

Rush. vol. i. p. 80.

(Old Translation.)

Prince Charles to Pope Gregory XV.

MOST HOLY FATHER—We have received your letter with no less thankfulness and respect than is due to the singular good-will and godly affections wherewith we know it was written. It was most acceptable unto us that the never-enough-renowned examples of our ancestors were proposed to us by your Holiness for our inspection and imitation; who, though they often hazarded their lives and fortunes to propagate the Christian faith, yet did they never more cheerfully display the banners of the cross of Christ against his most bitter enemies, than we will endeavour to the utmost, that the peace and union which so long triumphed,

Cum enim discordiarum patris malitia inter illos ipsos qui Christianam profitantur religionem tam infelicia seminarit dissidia, hoc vel maxime necessarium ducimus ad sacrosanctam Dei et salvatoris Christi gloriam feliciter promovendam. Et minori nobis honori futurum existimabimus, tritam majorum nostrum vestigiis insistentes viam, in piis ac religiosis susceptis illorum æmulos atque imitatores extitisse, quam genus nostrum ab illis atque originem duxisse. Atque ad idem nos istud plurimum inflamat perspecta nobis Domini regis ac Patris nostri voluntas, et quo flagrat desiderium ad tam sanctum opus porrigendi manum auxiliatricem, tum qui Regium pectus exedit dolor, cum perpendit quam sævæ exoriuntur strages, quam deplorandæ calamitates ex principum Christianorum dissensionibus. Judicium vero quod Sanctitas vestra tulit de nostro cum domo ac principe Catholico affinitatem et nuptias contrahendi desiderio, et Charitati vestræ est consentaneum, nec a sapientia invenietur alienum. Nunquam tanto quo ferimur studio, nunquam tam arcto et tam indissolubili vinculo ulli mortalium conjungi cuperemus, cujus odio Religionem prosequeremur. Quare Sanctitas vestra illud in animum inducat, ea modo nos esse semperque futuros moderatione, ut quam longissime abfuturi simus ab omni opere quod odium testari possit ullam adversus religionem Catholicam Romanam: Omnes potius captabimus occasiones quo leni

may be reduced into the Christian world, after a kind of elimination or exile. For since the malice of the Father of discords hath sowed such unhappy divisions amongst those who profess the Christian religion, we account this most necessary thereby to promote, with better success, the glory of God and Christ our Saviour; nor shall we esteem it a less honour to tread in their footsteps, and to have been their rivals and imitators in holy undertakings, than to have been descended of them. And we are very much encouraged to this, as well by the known inclinations of our Lord and Father, and his ardent desire to lend a helping hand to so pious a work, as by the anguish that gnaws his royal breast, when he considers what cruel destructions, what deplorable calamities arise out of the dissensions of Christian princes. Your Holiness' conjecture of our desire to contract an alliance and marriage with a Catholic Family and Princess, is agreeable both to your wisdom and charity: for we would never desire so vehemently to be joined in a strict and indissoluble bond with any mortal whatsoever, whose religion we hated. Therefore, your Holiness may be assured, that we are and will be of that moderation, as to abstain from such actions, which may testify our hatred against the Roman Catholic religion; we will rather embrace all occasions whereby, through a gentle and fair procedure, all sinister suspicions may be taken away: That, as we all

benignoque rerum cursu sinistrae omnes suspensiones e medio penitus tollantur; ut sicut omnes unam individuum Trinitatem, et unam Christum crucifixum confitemur, in unam fidem unanimiter coaleamus: Quod ut assequamur, labores omnes atque vigilias, regnorum etiam atque vitae pericula parvi pendimus. Reliquum est ut quas possumus maximas, pro literis quas insignis muneris loco ducimus, gratias agentes, sanctitati vestrae omnia prospera et felicitatem æternam comprecamur.

*Datum Matriti,
20 Junii. 1663."*

*Dated at Madrid,
20th June, 1623.*

*Rush. vol. i. p. 82.
(Old Translation.)*

THE above from Rushworth, was preserved by some, as the collector informs us, who were in Spain at the treaty, and we have transcribed it, for the sake of uniformity, with the other letters from the same source, and also for the gratification of the English reader, by presenting the old translation. The following, published in Hardwicke's State Papers, "was transcribed from the original draught," and varies a little from the other. Indeed, in drawing a letter of such importance, it was to have been expected that it should be written more than once—a circumstance which accounts for the difference. The variations in substance are small; yet, such as they are, they are more flattering to the Pope.

" SANCTISSIME PATER,

" Literas Stis. V. Vigesimo Aprilis 1623, Romæ datas, tantâ gratitudine et observantiâ accepimus, quantâ cum benevolentia pioque affectu videntur exaratae: nobisque imprimis grata fuere illa, quibus uti placuerit Sti. V. incitamenta à nunquam satis laudatis nobilissimorum majorum nostrorum exemplis petita, qui anteactis seculis nunquam parati magis exstiterunt ad vitae capitisque discrimen adversus hostes Christi nomini infestos ultro subeundum, quo sacrosanctum ipsius cultum latius propagarent, quam nos hoc tempore, (quo inveterata Satanæ, discordiarum patris, malitia obtinuit tantum, ut dissi-

dia admodum infelicia inter illos ipsos, qui religion Christianam profitentur, longè latèque disseminaverit,) ad omnem opem atque operam sedulo adhibendam, *ut ecclesia Dei aliquando reconcilietur, atque ad pristinam pacem et unitatem denuo reducat*: quod pro primo semper gradu ac passu tantique momenti esse habuimus, ut vel maximè conferat ad sacrosanctum Domini et Salvatoris nostri Jesu Christi nomen ac gloriam felicius in terris promovendam: quod non minori nobis honori futurum ducemus, progenitorum nostrorum vestigiis prementes, in tam piis et religiosis susceptis eorundem imitatores extitisse, quam ab iisdem genus nostrum et originem deduxisse: ad quod nos plurimum hostantur "præcepta domini nostri regis ac patris mei propensio, et vehemens admodum quo flagrat desiderium huic tam sancto operi manum porrigere auxiliatricem: nec non intimus animi dolor, quo commovetur, dum secum contemplatur deplorandas strages et calamitates, quæ a simultatibus et dissensionibus inter principes Christianos exortis passim producuntur. Nec illud porro iudicium quod Sti. V. visum est facere de eo, quod nos tenemur desiderio, cum principe Catholicâ Romanâ matrimonium contrahendi, a Stis. V. sapientiâ atque charitate dissonum omnino est aut alienum, siquidem, uti a S. V. rite observatum est, vix aut ne vix quidem tanto, quo fruimur, studio cuperemus tam arcto et indissolubili propinquitatis vinculo cum cujusdam personâ conjungi, cujus religionem odio et detestationi haberemus. Sed S. V. hoc sibi persuasum habeat, eam nostram esse, semperque in posterum futuram moderationem, ut non solum quam longissimè à nobis suspicionem omnem removebimus, atque ab omni demum actu temperabimus, qui aliquam præ se speciem ferat nos à Romanâ Catholicâ religione abhorrere, sed omnes potius captabimus occasiones, quo leni benignoque rerum processu sinistrae omnes suspiciones è medio penitus tollantur: ut sicut omnes unam et individuum Trinitatem, et unicum Christum crucifixum publicè profiteamur, ita in unam tantummodo fidem *in ecclesiam unam* unanimiter coalescamus. Quod ut effectum demus, labores omnes et vigilias, et quodcunque itidem periculum, quod inde rebus nostris aut personæ poterit imminere, si facto opus erit, parvi pendemus. Quod reliquum est Sti. V. gratias, quas possumus maximas, pro literis vestris, quas insignis muneris loco habemus, referentes, Sti. V. prospera, omnia, æternamque felicitatem comprecamur." Vol. i. p. 452, 453.

It certainly must have been more flattering to the Pope, for Charles, 1st, to promise his utmost efforts to restore the ancient peace and unity of *the church*, than merely of the Christian commonwealth or world; and lastly, that he would embrace all occasions whereby, through a gentle and fair procedure, all sinister suspicions might be removed; that *as we all confess one individual trinity and one Christ crucified, we*

may at last coalesce in one faith and in one church, than merely in one faith.

It is remarkable, that this letter was written after the Prince and Duke must have received an answer from James to their proposal of acknowledging the spiritual supremacy of the Pope, in which he refuses to accede to it. Their letter to James is dated 10th of March, 1623, a few days after their arrival at Madrid, and James's answer is dated the 25th of the same month, (Hardwicke's State Papers, vol. i. p. 402, 411, 412,) while the Prince's letter to the Pope is dated on the 20th of June following.

Gregory XV. died before this letter reached Rome; and his successor Urban VIII. wrote immediately to James, a long letter, in the most earnest strain advising him to return into the bosom of the Catholic church, as the most glorious act that could be performed: His opinion of the Prince's letter was expressed both to James in the letter to that monarch, and in one to Charles himself.

"It seems to have been a special providence of God," says he to James, "that the first letters which we received reigning in the seat of St. Peter, were those which the most noble Charles, Prince of Wales, wrote to our predecessor, as a testimony of his affection to the Popes of Rome."—Rush. vol. i. p. 95.

To Charles he writes. "The first letters which were delivered to us after we were preferred to the throne of the apostleship, were those which you sent out of Spain to Gregory the Fifteenth, of famous memory, our predecessor. We lifted up our hands to heaven, and gave thanks to the Father of mercies, when, in the very entry of our reign, a British Prince began to perform this kind of obeisance to the Pope of Rome."—Id. p. 98.

By the private articles sworn to by James and the prince, all laws, particular or general, against the Catholics, were to be suspended; and there was to be a full toleration of the Romish religion, in private houses throughout the whole British dominions; and while both the king and prince engaged to interpose their authority with parliament to have an abrogation of "particular laws made against the Roman Catholics, to whose observance also the rest of our subjects and vassals are not obliged; as likewise the general laws under which all are equally comprehended, to wit, as to the Roman Catholic religion, if they be such as is aforesaid, which are repugnant to the Roman Catholic religion; and that hereafter, we will not consent that the said parliament should ever at any time enact or write any other new laws against Roman Catholics,"—they also engaged that no attempts, public or private should be made to persuade the Infanta to change her religion

Charles farther engages, "that all those things which are contained in the foregoing articles, and concern as well the suspension as the abrogation of all laws made against the Roman Catholics, shall within three years infallibly take effect, and sooner if it be possible." He also undertook to intercede with his father, that the term of years which the children of the marriage were to be under the sole charge of the mother, should be lengthened from ten years, (the public stipulation,) to twelve; and to grant it himself if the succession opened to him during that period.—*Rush.* p. 89.

NOTE B.

Regarding the Scottish Canons and Liturgy,

Mr. Laing says, that the order of the Assembly held at Aberdeen to frame canons and a liturgy, was suspended in consequence of the opposition to the articles of Perth; that "it was resumed on the late expedition to Scotland; but that the prelates, considering the English service as a badge of dependence, represented that a peculiar and distinct liturgy was due to the dignity of a jealous nation: That their pride was inflexible on this point alone: That Charles, or rather Laud, was obliged to acquiesce without obtaining an immediate, or the promise of an absolute conformity with England; but that the latter was assured that no heresy, and the former, that no sedition, should henceforth transpire in prayer; and if there be a choice between superstition and enthusiasm, they were gratified with the preference of a pre-composed liturgy to extemporary worship." vol. i. p. 116. For this statement he quotes Clarendon's History, Guthrie's Memoirs, and Laud's Troubles; but he does not appear to have made a judicious use of any of them.

Clarendon tells us, that both Charles and Laud wished the English liturgy to be introduced entire: that the bishops and the party in Scotland who were most concerned to promote the business, used all their influence to divert the king from attempting it at that time: That the whole design was never consulted but privately, and only some few of the great men of that nation and *some* of the bishops advised with by the king and the bishop of London, (Laud;) that these very men offered two prudential reasons against the English liturgy: The first

regarded the reading of the psalms and the apocrypha, which might cause dissatisfaction, and the other was founded upon an idea that, if the English service-book were obtruded, the people, who were jealous of being considered as a province, to receive laws from England, would resent it. Hist. vol. i. p. 82. *et seq.* Now, surely the last was the most absurd reason, since the principle assumed by Charles in the whole business was, that he might dictate what he pleased, and the innovations were all made without the sanction either of the legislature or church: And as to the first, it is inconceivable how he should have listened to such an objection, when, in spite of the general abhorrence, he was ready to force the canons and liturgy by fire and sword upon that nation. In another place, Clarendon says, that in 1633, Charles “had left it to the care of *some of the bishops* in Scotland to provide such a liturgy, and such a book of canons as might best suit the nature and humour of the better sort of that people, to which the rest would easily submit.” (*So some of the bishops* were to judge for the whole nation as to what might best suit their nature, and what they deemed calculated for that people’s nature must be forced upon them by every species of violence. This was indeed a new way of consulting the general inclination.) “And that as fast as they” (some of the bishops,) “made them ready, they should transmit them to the Archbishop of Canterbury, to whose assistance the king joined the Bishop of London, and Dr. Wren, who by that time was become Bishop of Norwich, a man of a severe, sour nature, but very learned, and particularly versed in the old liturgies of the Greek and Latin churches. And after his majesty should be this way certified of what was to be sent, he would recommend and enjoin the practice and use of both, to that his native kingdom.” p. 103. In a third place, he says, “the canons now published, (besides as hath been touched before,) that they had passed no approbation of the clergy, or been communicated to the council, appeared to be so many new laws imposed upon the whole kingdom by the king’s sole authority, and contrived by a few private men, of whom they had no good opinion, and who were strangers to the nation: so that it was thought no other than a subjection to England, by receiving laws from thence, of which they were most jealous, and which they most passionately abhorred. Then they were so far from being confined to the church and the matters of religion, that they believed there was no part of the civil government uninvaded by them, and no persons of what quality soever unconcerned, and, as they thought, unhurt in them.”—p. 105, 6. In regard to the liturgy, he says, “there was the same affected and premeditated omission, as had been in the preparation and publication of the canons, the clergy not at all consulted in it, and what was most strange, not all the bishops were ac-

quainted with it ; which was less censured afterwards, when some of them renounced their function, and became ordinary presbyters, so soon as they saw the current of the times."—p. 108. Here is nothing of the inflexible obstinacy of the Scottish bishops, some of whom only were consulted ; and considering the manner in which the whole business was carried through, the motive assigned for new canons and a new liturgy implies an absurdity.

Guthrey, who was an actor in those scenes, and afterwards Bishop of Dunkeld, informs us, that the bishops appointed by Charles, were nominated, not like those by his father at the recommendation of their seniors, but merely from their interest at court : That the young, or lately nominated, kept a fellowship among themselves, and persuaded Laud to procure from the king, authority for himself to prescribe many things to the older bishops which were disagreeable to them : that of those latterly appointed, the only one qualified for the office was Maxwell, Bishop of Ross, who, to great talents, added unbounded ambition—having been a lord of the secret council, exchequer, and of the session extraordinary, while he intrigued likewise for the office of lord high treasurer : that during the king's visit to Scotland " Dr. Laud, then Bishop of London, shortly after Archbishop of Canterbury, (one who had much power with his majesty, but was generally hated by the people,) beholding our form of worship, did, in conference with our bishops and others of the clergy, tax the nakedness thereof in divers respects, but chiefly for our want of a liturgy, whereby he thought it might be helped. The old bishops replied, that in king James' time there had been a motion made for it, but that the presenting thereof was deferred, in regard the articles of Perth then introduced proved so unwelcome to the people, that they thought it not fit nor safe at that time to venture upon any further innovations ; and they were not yet without fear, that if it should be gone about, the consequence thereof might be very sad ; but bishop Maxwell, and with him Mr. Thomas Sydserf, *who was then but a candidate*, and Mr. Mitchell and others, pressed hard that it might be, assuring that there was no kind of danger in it ; whereupon Bishop Laud, who spake as he would have it, moving the king to declare that there should be a liturgy in this church, his majesty commanded the bishops to set about it." The author proceeds to inform us, that while the bishops were engaged in the work, " a clamour arose, which, upon the sudden spread throughout the land, that religion was undermined by a conspiracy betwixt the bishop of Canterbury and other bishops, and that *they being suborned by him*, were bringing in the mass book:" That "the Archbishop of St. Andrew's, with the wisest of his brethren," (the author does that primate more than justice,) " laid it to heart, and wrote

to the Archbishop of Canterbury, to deal with the king that the book might be kept back till the nation were better prepared to receive it ;" but that the lately preferred bishops "being hot blood and wanting somewhat of the experience which the elder sort had," supported the treasurer (Traquair,) in his opinion, that the work should be carried through. That Traquair, who, according to Guthrey, acted treacherously in the business, having got lines under these junior prelates' hands, posted to court, and suggested to Canterbury that there was no danger to be apprehended, the old bishops being merely timorous men, who were afraid without cause, "and that if his grace would move the king to lay his commands upon him, he should upon his life, carry through the business without any stir." That Laud was so moved with Traquair's representations, particularly as he brought letters from those Scottish prelates, with whom he (Laud) corresponded most, "that, albeit, he thought not fit that a work of that nature should be committed to a laic, *yet procured to himself a warrant from the king, to command the bishops upon all hazards, to go forward in it, threatening them withal, that if they lingered in it longer, the king would turn them out of their places, and fill the same with vigorous and resolute men, who would not be afraid to do him service.*" Surely he who proceeded in this arbitrary manner, was little to be moved by the obstinacy of the Scottish bishops : He who could rely upon his ability in guiding his master to appoint prelates, who would not be afraid to do him service, must have been able previously to nominate such as he could fully trust ; and the younger bishops were all of his recommendation. The younger bishops," continues our author, "were overjoyed at the warrant, but the wise old bishops were of another mind, and thought more than they spake, however now they had nothing left them but either to do or die. Whereupon (and being mightily encouraged by the treasurer's ample promises of assistance, and sharing in their lot,) they did cast away their fear and went to work. And indeed it is remarkable, that thereafter they acted so far contrary to those rules of prudence and policy, whereby they had been accustomed to manage their affairs, that all men began to espy a fatality in it. For they laboured not (as formerly they had done in lesser matters,) to have their book brought in by an ecclesiastical sanction ; but, having gotten it authorized by an act of council, proceeded without more ado, to urge the practice thereof. Whereby they provoked against themselves the most part even of those ministers that were episcopal in their judgment, who thought it a very sad matter that a liturgy should be imposed upon the church, without the knowledge and consent of the church ; and judged it such a dangerous preparative, that thereby the civil power might, in after times, introduce any thing, (though never

so hurtful to religion,) and the church never get one voice in it."—p. 14,—18. The reader will judge how far this authorizes Mr. Laing's statement.

The other authority referred to by Mr. Laing, is Laud's own account in what are called his *Troubles*, which are evidently nothing else than notes of his defence; and consequently the worst authority imaginable. But it does not support Mr. Laing's statement.

"When I was first bishop of London, his majesty expressed a great desire which he had, to settle a liturgy in the church of Scotland, and this continued in agitation many years." "In the year 1633, his majesty went into Scotland, and was crowned there; I attended his majesty in that service. *The parliament then sitting in Scotland, was very quick about some church affairs, and the king was very unsatisfied with some men and their proceedings. At his majesty's return in the same year, I was, by his special grace and favour, made Archbishop of Canterbury, 19 Setembris. The debate about the Scottish liturgy was pursued afresh, and at last it was resolved by the king, that some Scottish bishops should draw up a liturgy as near that of England as might be; and that then his majesty would have that confirmed and settled for the use of that kingdom. The liturgy was carefully considered of, and at last printed and published, An. 1637. It seems the bishops which were trusted with this business went not the right way, by a general assembly and other legal courses of that kingdom,*" &c. p. 75. In another place, he says, "that the Scottish bishops, *some of them*, did often say, that the people would be better satisfied by much, to have a liturgy composed by their own bishops, as this was, than to have the service-book of England put upon them."—p. 113-4. In what he called a true narrative, concerning the Scottish service-book, of his own hand-writing, bound in the tower by Prynne, he says, that the Bishop of Ross, Maxwell, called upon him in 1629, and informed him that he had received instructions from the king about a liturgy: that he, Laud, urged strenuously that if his majesty would have a liturgy, it should be the English entire, but that the other insisted that a new liturgy, differing in some things from the English, would be more agreeable to his countrymen, and that his brethren were of the same opinion: that the king was for the English without alteration; that the matter was allowed to rest for two or three years, but that the Scottish bishops, still pressing for a separate liturgy, as more likely to be acceptable to their countrymen, it was agreed to; and that his majesty commanded him (Laud) to render them all the assistance he could. *Prynne's Necessary Introd. to Laud's Trial*, p. 155.

The Scottish commissioners founded upon fourteen letters written by Laud to Scotland upon this business, and other documents which

fully establish, that from the very beginning, he interfered with the Scottish church in every particular : that the canons and liturgy were sent to him, written on one side only ; that he made many alterations, (and, by a document under his own hand, discovered by Prynne, it appears that these included all the points chiefly objected to as extracted from the mass-book. *Necess. Introd. p. 156, seq.*) That he encouraged the few Scottish prelates who were trusted with the subject, to prosecute the business ; and that one in particular, Bellenden, bishop of Dunblane, fell under the royal displeasure, and missed preferment, for not pursuing the prescribed innovations in worship in the chappel royal, &c. Now Laud neither does, nor could deny all this ; but he makes a defence to this purpose : That he was ordered by his majesty to render all the assistance in his power to the Scottish prelates ; that he could not refuse obedience to his majesty's commands, but that he impressed upon the Scottish prelacy to do nothing except according to law ; and that he ever recommended quiet measures instead of rigorous proceedings. See his *Troubles, Answer to Scottish Charge*. Now, it appears incontestably by his own statements, letters, &c. and other authorities, that *some* only of the Scottish bishops were trusted in the business, and these *some*, by other authorities, appear to have been only three or four, (*Baillie, vol. i. p. 4.*) of his own nomination too, and in high civil appointments, &c. the chief of them being the bishop of Ross, his tool ; that because the wisest amongst the Scottish prelates, who were the majority also, were averse to an undertaking so repugnant to the feelings of their countrymen, they were threatened with being turned out of their places, &c. ; and that every suggestion of Laud was attended to, and his alterations carried by him authoritatively : the question then is, whether he must not be esteemed the prime mover ? He selected the few Scottish bishops whom he chose to entrust with the business, and he could only select them because they were fitted for the occasion. On the same principle that he threatened the majority he would have changed the few. With regard to his advice to do nothing against the laws, and his pretended regret that matters were not submitted to an assembly, it implies a degree of effrontery which could not have been expected even from Laud. The principle ever advanced by him was, that the royal power was uncontrollable ; and if, in England, he claimed *a divine right* (independently of the civil) *for the church*, in other words, the prelates, he, to accomplish his own object, took a different ground in Scotland, and made canons, attributing a divine, indefeasible, power to the king, while he always denied that the ecclesiastical establishment of Scotland, of which general assemblies were fundamental parts, was reconcileable with the constitution of a Christian

church. He knew the opposition which the articles of Perth, and likewise those regarding the Scottish church in the year 1633, had met in Scotland, and the unjust proceedings that then, and afterwards, took place in regard to them ; and it required small logic to conclude, that, if the sanction of the legislature were necessary for minor points, it must have been for greater ; and that if these lesser points excited such a ferment, the greater must rouse something more terrible. Indeed, his friend and creature Juxon, wrote, that the canons, which he sent down, would make a greater noise than all the cannons of Edinburgh-castle. See these letters in Prynne's Necess. Introd. The Scottish Charge in Nalson, and Rushworth, Laud's Troubles ; and some of the originals in Advocates' Library. They are also published by Hailes, who appears to have fallen into a mistake in supposing that the letters were not produced. They were not produced with the charge, according to the Scottish practice, and Laud calls for them in his answers ; but the Commissioners declare they would produce the autographs in evidence. Laud's allegation that he advised to do nothing against the laws, is absurd on another ground : The canons and liturgy, as the greatest innovations, were necessarily against the existing law ; for they were in fact new laws, imposing the severest penalties, &c. and if the king could impose them without the legislature, &c. then he necessarily centered in his own person the whole legislative power ; and nothing can be against law, which the supreme power of the state, whence all law emanates, wills by a new promulgation. In one of his letters, too, he advises Traquair, in one case, to find out some expedient "*how the law may be by some just exposition helped till the state shall see cause to abolish it.*" In that very letter he condemns the bishops "for disclaiming the book as any act of theirs, but as it was his Majesty's command." "'Tis most true, the king commanded a liturgy, and it was time they had one." (Then the king had the power, and nothing could be done against law.) "They did not like to admit of ours, but thought it more reputation for them, (*as indeed it was*) to compile one of their own, yet as near as might be, and they have done it well : Will they now cast down the milk they have given, because a few milk-maids have scolded at them ? I hope they will be better advised : *certainly they were very ill advised when they spake thus at the council-board.*" Prynne's Necess. Int. p. 165, 166. Rush. vol. ii. p. 390. His pretence of having ever inclined to pacific measures is equally uncandid. For it appears uncontestedly, that he always urged on violent measures, was intimate with all those perfidious counsels in which Marquis Hamilton acted, (Burnet's Mem.) and afterwards was instrumental in furnishing pretexts for annulling the acts of the assembly and parliament, after the pacification of Berwick, thus involving the island in the calamity of a

new war. The two following extracts : the first from a letter by Wentworth to him, and the other by Laud to Wentworth, set matters in a strong light. " It was ever clear in my judgment," says Wentworth, " that the business of Scotland so well laid, *so pleasing to God and man, had it been effected*, was miserably lost in the execution, yet could never have so fatally miscarried, if there had not been a failure likewise in the direction, occasioned either by over-great desires to do all quietly without noise ; by the state of the business misrepresented ; by opportunities and seasons slipt ; or by some such like, &c." " Nevertheless, in my opinion, that error would not be seconded with a far greater, which would be, indeed, more grievous, more terrible ; for should these rude spirits carry it thus *from the king's honour* to their own churlish wills, it would have a most fearful operation, I fear, as well upon England as themselves, therefore, God Almighty guide his majesty's counsel and strengthen his courage. For if he master not them, and this affair tending so much and visibly to the tranquillity and peace of his kingdoms, to the honour of Almighty God, I shall be to seek for any probable judgment what is next like to befall us at after." Straf. Let. and Disp. vol. ii. p. 250. Letter, dated 27th November, 1638. Laud answers, " Indeed, my Lord, the business of Scotland, *I can be bold to say without vanity*, was well laid, and was a great service to the crown as well as God himself. And that it should so fatally fail in the execution is a great blow as well to the power as honour of the king. And your lordship is most right in saying there was a failure in the direction. For the truth is, there was too great a desire there to do all without noise, and there was undoubtedly a great misrepresentation of the business itself there ; and some seasons and opportunities slipt, and that more than once, and the easy suffering of oppositions too common in an hundred men and more. But these three last, by your lordship's leave, were all errors about the execution, not the direction ; but the first of these mentioned by you was indeed an error in the direction, and a great one ; but I could not help it. *For such of the bishops of Scotland as were trusted with it were all for the quiet way, and that fitting his majesty's disposition, I was not able to withstand it*, and indeed must have been thought very bold, had I taken upon me to understand the course of that church and kingdom better than they. But the main failure in the direction, if I mistake not, was, that the Lords of that council were not thoroughly dealt with by the king, and their judgments more thoroughly sifted, before any thing had been put in execution. And, I am confident, all had gone well enough, if Traquair had done his duty. But he thought he had all in a string ; and out of a desire to disgrace some bishops, did not only suffer, but certainly under hand do, some things, which let all loose, and quite

out of their imagined power to recall. And this was the greatest bane of the business which I have been able to observe, next to the over-much confidence which the king would still put in him, notwithstanding some bishops still informed how false and unworthy his carriage was. *And that which follows, I wholly agree with you, that since it is come to this height, if his majesty do not master them and bring them under obedience, the first error will be so far seconded with a greater, as that the consequence may be, God knows what ; such I am sure as I hold not fit to prognosticate.*" In a preceding paragraph he complains of the want of vigour in the military preparations. Id. p. 264-5. 29th December 1638. The part which the Scottish bishops acted is clear : But just let it be considered, that this is the language of the man who, forsooth, always recommended pacific measures, and advised to do nothing against law : Submission, indeed, would have brought peace. As to law, had he mistaken it at first, he must have known it now ; or at least, ought not to have interfered in recommending bloody measures against the complaints of the Scots, that their laws were violated.

It is singular that an alteration was also made by him on the Irish canons, in regard to auricular confession, and that Wentworth approved of it, Id. p. 195. Laud himself writes to Wentworth, " the Irish canon, in that particular, is much better than ours," p. 212. The quibbling of Laud and his followers on this head was remarkable. They maintained that private confession was a proper duty, and that the priest could grant absolution from all sins ; but this was not the popish confession ; for it was not imposed as a necessary duty upon the conscience, to reveal every sin, as the sinner might himself sustain any particular one he chose. Really the difference is trifling, and the popish the best. For, if a confession obtain absolution, why should it not be of all sins, and complete ? The priest, as the servant of God, is imposed upon otherwise ; and his absolution, as fraudulently obtained, should not be valid. See Heylin's Introduction to Laud's Life ; Laud's Trial by Prynne ; His Troubles ; Dow's Innovations unjustly charged upon the present church and state, p. 55. Ed. 1637. With regard to the real presence, he maintained that the body and blood were really and truly substantially present, yet he pretended to deny the corporeal presence ; which is as much as this—that there is the presence of the body, but not the body's presence. Yet he was not the author of such senseless jargon : Even Calvin has something to the same purpose. " We believe, indeed," said the Scottish clergy, " that my Lord Canterbury doth but juggle with the world in his fair and ambiguous generalities, being content to inveigh as much against popery and innovation as we could wish, upon hopes, ever when it comes to any particular of the grossest

popery we can name, by his subtile distinctions and disputations to slide out of our hands." The Canterburian's Self Conviction, written in March, and printed in April, 1640, p. 6.

It may easily be conceived that a very few only of the letters written by Laud to Scotland fell into the hands of the covenanters, (indeed, it is wonderful that there were so many) and the following extract from one by him to Wentworth, dated 3d July, 1634, fully proves it. "I was fain to write nine letters yesterday into Scotland. I think you have a plot to see whether I will be *Universalis Episcopus*, that you and your brethren may take occasion to call me Anti-Christ." Straf. Let. and Disp. vol. i. p. 271.

After the first passage from Mr. Laing's history, the reader will be surprised at the following from the same source. "They," (the Scots) says he, "had some foundation for their accusation against Laud, who had usurped a patriarchal authority over the church, and from whom the liturgy and canons had originated; the source of their discontent, and the sole cause of their recourse to arms." p. 193. Surely this author had composed in great haste, when he is so inconsistent on such a subject.

The reader will recollect, that Laud lost the confidence of James, by urging him to impose a Liturgy in 1617.

Laud shewed warrants from Charles, authorizing his interference with Scottish affairs; but he was accused of having only procured them to screen himself, when he perceived that he would be called to account. (Prynne's Necess. Introd. p. 156.) Yet, however this may be, there can be no doubt that Charles was, all along, acquainted with every movement; and that, therefore, as Laud could, at any time, have got warrants of the tenour of those produced, the act of antedating them afterwards, was the most innocent of all frauds. The truth is, that Charles chose him as a fit instrument; and that he again stirred up the king to proceed to extremities. We are told by Mad. de Motteville, and that, at least, shews the understanding of foreigners, that the object was to introduce popery by degrees; that Scotland was begun with as most likely to be quiescent, and that Charles shewed the liturgy to the queen before he sent it off, to satisfy her how near it approached to the Catholic faith. Mem. par Mad. de Motteville, tom. i. p. 242, 243, Ed. Amsterdam, 1750.—Wentworth's doctrine of the divine uncontrollable right of kings may be farther seen in his letters, in relation to this subject, to the Earl of Argyle. Straf. Let. and Disp. p. 210, 246, 299.

Brodie, George,

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